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JOURNAL OF THE SENATE
NINETY-FIRST GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

FIRST DAY--WEDNESDAY, JANUARY 3, 2001

The Senate was called to order at 12:00 noon by Lieutenant Governor Joe Maxwell.

Reverend Carl Gauck offered the following prayer:

Emilie Griffin wrote in her book "*The Experience of Prayer*", "The best reason to pray is that God is really there."

Gracious and Heavenly Father, we thank You for bringing us to a new beginning, in a new millennium and in a new century. You have provided us with a new type of leadership and new Senators and given us opportunities to do things in a new way. As we gather in this honored chamber let us experience Your presence that You may guide us to handle the challenges of a new and uncertain time and to meet the needs of and serve the people of this state more effectively. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator DePasco announced that photographers from KOLR-TV, the Jefferson City News Tribune, the St. Louis Post-Dispatch, the Associated Press, KRCG-TV, KOMU-TV and the Senate had been given permission to take pictures in the Senate Chamber and gallery today and that guests had been given permission to use flash equipment.

Senator Kenney submitted the following appointments of officers for the temporary organization, which were read:

Secretary of Senate Terry L. Spieler

Sergeant-at-Arms Lester Marcum

Doorkeeper Ken Holman

Senator Kenney requested unanimous consent of the Senate that the above named officers be elected as temporary officers until permanent officers are elected, which request was granted.

MESSAGES FROM THE

SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the 91st General Assembly, First Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri 1994, I have the honor to lay before you herewith a list of the names of the members of the Senate for the 91st General Assembly (First Regular Session) of the State of Missouri, elected at the General Election held on the 7th day of November, 2000 and a list of the names of the Senators elected at the General Election held on the 3rd day of November, 1998.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the official seal of my office this 2nd day of January, 2001.

Secretary of State

MISSOURI STATE SENATORS
ELECTED NOVEMBER 7, 2000

District Name

- 1st Anita Yeckel
- 3rd John Scott
- 5th Paula J. Carter
- 7th John Loudon
- 9th Mary Groves Bland
- 11th Ronnie DePasco
- 13th Wayne Goode
- 15th Michael R. Gibbons
- 17th Edward E. Quick
- 19th Ken Jacob
- 21st James L. (Jim) Mathewson
- 23rd Chuck Gross
- 25th Bill I. Foster
- 27th Peter D. Kinder
- 29th Doyle Childers
- 31st Harold L. Caskey
- 33rd John T. Russell

MISSOURI STATE SENATORS
ELECTED NOVEMBER 3, 1998

District Name

2nd Ted House

4th (Vacancy due to resignation of Wm. (Lacy) Clay, Jr.)

6th Larry Rohrbach

8th Bill Kenney

10th Harry Wiggins

12th (Vacancy due to resignation of Sam Graves)

14th John Schneider

16th Sarah Steelman

18th (Vacancy due to resignation of Joe Maxwell)

20th Danny Staples

22nd Steve Stoll

24th Betty Sims

26th David J. Klarich

28th Morris Westfall

30th Roseann Bentley

32nd Marvin Singleton

34th Sidney Johnson

The newly elected Senators advanced to the bar and subscribed to the oath of office, which was administered by the Honorable Byron L. Kinder, Circuit Judge, Cole County.

On roll call the following Senators were present:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Stelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators--None			
Vacancies--3			

The Lieutenant Governor was present.

RESOLUTIONS

Senator DePasco offered the following resolution:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-First General Assembly of State of Missouri, that the rules adopted by the Ninetieth General Assembly, as amended, insofar as they are applicable, be adopted as the temporary rules for the control of the deliberations of the Senate until the permanent rules shall have been adopted, with the following modification:

"Rule 103. During the Ninety-First General Assembly, from January 3, 2001 through and to February 1, 2001, and thereafter, unless one political party shall hold eighteen or more seats, the following rules shall apply:

- 1. There is established the office of Co-Pro Tem. The Co-Pro Tem shall be nominated from the members of the Senate who are not of the same party as the Lieutenant Governor, and shall be elected by the Senate. The Co-Pro Tem shall be authorized the same allowances and staff as is authorized for the President Pro Tem and shall appoint the Co-Chair and the members of his party to all standing committees.**
- 2. The President Pro Tem and the Co-Pro Tem shall assign bills to committee in accordance with Senate rules as they shall mutually agree. If no agreement is reached upon a particular bill, such bill shall be assigned by the Pro Tem or Co-Pro Tem in accordance with Senate rules according to the party of the sponsoring senator or representative.**
- 3. The Parliamentary Committee shall consist of the President Pro Tem, the Co-Pro Tem and the Co-Chairs of the Committee on Judiciary. All points of order shall be referred to the Parliamentary Committee for decision. If no majority is reached on the question, the question shall be referred to the members of the Senate. In the event of the absence of a member, the Co-Chair of the Committee on Civil and Criminal Jurisprudence of the same party as the absent member, shall act. If both members of the same party on the committee are absent, the Co-Chair of the Committee on Civil and Criminal Jurisprudence and the floor leader of the same party shall act.**
- 4. Standing Committees shall be composed of an equal number of Democrats and Republicans not to exceed eight members except that the Committee on Education may have ten members and the Appropriations Committee which may have twelve members. Bills may be reported do pass by a majority vote of the members present after a quorum has been established. The committee report must be signed by both Co-Chairs.**
- 5. Conference committees shall consist of five members. Three of the members shall be of the same party as the principal sponsor of the bill. The President Pro-Tem and the Co-Pro Tem shall appoint the members of their party; except that, in event a bill has two principal co-sponsors of different political parties, such co-sponsors may agree upon the number to be appointed by the Pro Tem and Co-Pro Tem respectively.**
- 6. Each party caucus shall elect a floor leader. Such floor leaders shall be provided equal staff and budget resources, shall consult and agree upon the conduct of business in the Senate and shall alternate the performance of the functions of a floor leader in the conduct of Senate business as they shall agree.**
- 7. In the event of a conflict between these rules and any other Senate rule, these rules shall prevail."**

AGREEMENT

The following agreement has been entered into by the members of the Senate and has been approved by the caucuses of both political parties:

1. The attached Rule No. 103 be adopted by the Senate as part of both the temporary and permanent rules of the Senate for the Ninety-First General Assembly.
2. It is agreed by the members of the Senate that the Pro-Tem and the Co-Pro Tem will share the master of ceremony responsibilities at the Inauguration. Senator Quick shall introduce the Governor and Attorney General and Senator Kinder shall introduce the Secretary of State and the Treasurer.
3. In the event that one party shall hold eighteen or more seats after all thirty-four senators have been seated, the President Pro Tem shall resign and an election of President Pro-Tempore shall be held and the above rules shall not

apply.

4. The leadership of the Missouri Senate shall be chosen by a majority of the elected senators.

/s/ Edward E. Quick
/s/ Ronnie DePasco

/s/ Peter Kinder
/s/ Bill Kenney

Senator DePasco moved that the above resolution be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Klarich--1			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--3			

Senator Kenney moved that the Senate proceed to perfect its organization, which motion prevailed.

Senator Kinder nominated Senator Edward E. Quick for President Pro Tem. Senator Mathewson seconded the nomination.

No further nominations being made, Senator Quick was elected President Pro Tem by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--3			

Senator Quick nominated Senator Peter Kinder for Co-President Pro Tem. Senator Russell seconded the nomination.

No further nominations being made, Senator Kinder was elected Co-President Pro Tem by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Vacancies--3

Senator Quick was escorted to the dais by Senator Mathewson.

Senator Kinder was escorted to the dais by Senator Sims.

Senator Quick subscribed to the oath of office of President Pro Tem, administered by the Honorable Judge Byron Kinder, Circuit Judge.

Senator Kinder subscribed to the oath of office of Co-President Pro Tem, administered by the Honorable Judge Byron Kinder, Circuit Judge.

President Pro Tem Quick assumed the dais and addressed the members of the Senate.

Ladies and Gentlemen, distinguished guests, Lt. Governor Maxwell, Judge, friends and family,

It is once again my privilege and pleasure to address the Missouri Senate as we open a new year and new session of the Missouri General Assembly. Let me first introduce my special guests:

My wife Jane

My son Mark, my granddaughter Morgan and her mother Michelle

My daughter Rebecca, my grandson Nathan, granddaughter Marley and grandson Ethan, and

My son Randy and granddaughters Jessica and Amanda.

X X X X X X X

It gives me great pleasure to welcome back my old friends and colleagues...and to be joined by our new colleagues...Senator John Loudon, Senator Michael Gibbons, Senator Chuck Gross and Senator Bill Foster...I know how special this day is for you.

I want to personally congratulate you...and ask my fellow Senators and everyone in the gallery to rise and join me in welcoming these four new members to the Missouri Senate. The trust and responsibility your constituents have placed on you is tremendous. I know I speak for all of us here in welcoming you and offering to help in every possible way in your efforts to serve the citizens that you-and all of us-represent here.

X X X X X X X

Two days before Christmas, as most of you know, my house caught fire. Although there are many interesting things that go through your mind when your house is burning....what I found to be the most interesting is what you save when you only have a few minutes. What are the things important enough for you to pick up, while other things, far more valuable, you leave behind. It's not always the monetary things that you find are close to your heart, it many times is something that has no monetary value at all. As I was thinking about what I was going to say today, I realized that in the Missouri Senate I find myself in the same situation. The things that are close to my heart have no monetary value for me but are extremely important to the citizens of the state. I think we all need to remember during this upcoming session that the issues we work on and fight

for need to be the treasures that are close to our hearts and those that we are the most proud of.

These next four years will be my last opportunity to serve in the Missouri Senate (some will be very glad to see this happen). However, this means that in the next four years, I must accomplish as many things as possible in order to guarantee for my children, my grandchildren and all the citizens of Missouri a better life with more opportunities. All of those who know me, know how truly proud and fortunate I feel to serve in the Missouri State Senate. The responsibility to represent 155,000 people is awesome! For this reason, it is so important to me for all the Senators sitting here, old and new, democrats and republicans, to receive the highest grade in "playing and working well with others."

The thing that I have always found incredible is the fact that the Missouri Senate is one of only two chambers in the nation that is not divided by an aisle. In our Chamber, Democrats and Republicans sit side by side. When a Senator rises to speak, a person in the gallery never knows whether they are a democrat or a republican.

November brought one of the closest and most unusual election cycles in the history of our nation and in the history of this state. News reporters, political analysts and historians will spend a tremendous amount of time studying this election and trying to figure out what it all means.

I'm neither a reporter, nor a historian. But as a lawmaker, I want to listen very closely to what the people have said. I believe the election tells us a great deal about those we serve and how they wish to be served.

What can we determine by the closeness of the recent election? That in almost everything we do we will make half the people happy and half the people angry....

But what it really tells me is that the people of Missouri are not only looking for us to work together on behalf of them, but expecting us to work together to solve our upcoming tight budget issues, our transportation problems, our waste in government, our need for healthcare and education improvements among others. Let's not let their vote and message fall on deaf ears.

Because of the closeness and possible even split between Democrats and Republicans, other states will check on us to see how we handle this situation. Let's be sure we do not embarrass ourselves and our state. We are the Show Me State. Let's show ourselves that we can rise to the occasion and make ourselves proud!

Thank you

Co-President Pro Tem Kinder assumed the dais and addressed the members of the Senate.

President Quick, Lieutenant Governor Maxwell, my colleagues in the Senate, distinguished guests, ladies and gentlemen. For me to stand here on this auspicious occasion fills me with an emotion that I hope does not overcome me, but I hope you will understand the emotion that I do feel. No member of my party has stood here for 54 years, since 54 years ago, this week, the same oath was taken by the man who later distinguished himself as Judge M. C. Matthes, of Hillsboro, in Jefferson County. So, it is an historic occasion for that reason among many others. But, I really was not fully appreciative of the power of the moment until I saw this ballet, this minuet, if you will, between the two floorleaders, exercising coequal powers. There was something, I think something almost magic in that, and we've already done better than they've done in some other states under the same circumstances, because a few years back, in Florida, it took them three days to elect officers, when they were tied. So, we've already done better.

Many of you know that I am an avid reader, and in reading a few months back, I came across an Australian Proverb that I had never seen before that I thought appropriate for this occasion, to remind us, as temporary occupants of these offices and public servants. The proverb goes, "Today, a rooster strutting about, tomorrow, a feather duster."

There surely is a great deal of wisdom in that for us all to reflect on, as we scurry about these halls, and get called Senator this and Senator that. We also tend to speak too often of my district, and your district, and our districts. Of course, they're not my district, and they're not your district. In a much more important sense, they are the people's districts, and we are but temporary custodians of these seats. And that leads me to the subject of these inscriptions on the walls of the Capitol, and we see two in this chamber that we're always mindful of during debates and floor action where occasionally eyes drift up to those two fine admonitions. But I want you to know my favorite is contained just outside the rear of the Senate chamber, where it is inscribed in gold, over those magnificent doors out there, "Not to be Served, but to Serve."

Many of you know that last summer, it was my fate, my family's fate to have happen to us, what has happened to other members of the Senate family in recent years, extended family.

I got the call from the Georgia Highway Patrol, on the 1st of July, 2000, six months ago, this past Saturday, that my parents were in a very serious car accident. My father was a fatality in that accident. My mother was injured. My father was two months short of his 83rd birthday, that morning in July, when his life was cut short in that accident. Again, I say in a call, not unfamiliar to many of the families here today. I will never forget the response of the Senate family, that it threw its arms around me in the ensuing days and weeks. Fully, half of the Senate was represented,

personally, at either the visitation on Wednesday evening that followed, or the funeral service that Thursday morning, the 6th of July. And, I will also never forget, as a testament to what the Senate family is, and what it means, that on the plane the Senate organized originating here in Jefferson City, but mainly carrying our colleagues from the western side of the state, on that plane, were five Democrats, and two Republicans, emphasizing the Senator from the 17th's point, about how we don't divide by parties in this chamber, but each man and each woman is a Senator.

Now, I mention my father on the heels of that admonition, not to be served, but to serve, because I want to tell you a little bit about him, as how I think exemplifies that credo.

My father, unlike his third son, was no man of words. He was apolitical, nonpolitical. He had little use for government. He was no politician. He was a man of science, a graduate of one of our great universities, Washington University, both undergraduate and medical school, a medical doctor at the age of 23, before going off to service with the successor unit to the Flying Tigers in World War II, and then coming back and getting his speciality training, avoiding other more remunerative occupations in medicine that he could have chosen, that were his for the choosing, for the less remunerative compensation of the life of a pediatrician, which meant 80 and 90 and 100 hour weeks. He was the only board certified pediatrician between St. Louis and Memphis in those days of the baby boom. My father practiced that way in Cape Girardeau for 49 years, before closing his office four years ago this month, as he was closing in on 80 years old, but not to retire fully. But to go then to the county health unit in the poorest of South Cape Girardeau, there to take care of what the bureaucrats called an exclusively Medicaid population, continuing working into, through, and beyond into the ninth decade of his life, not to be served, but to serve. And, his example, is one that is uppermost in my mind today.

Now, we have many issues that we will obsess over, I don't doubt, this session. One is transportation, and I note that MoDot, the Commission, was meeting this morning down the street, taking momentous action on the bond money and disbursing proceeds of how we're going to move ahead in transportation in this state. I note that transportation was an issue in the late gubernatorial election without, it seems to me, a clear resolution one way or another. And in one of my conversations with the Governor-elect, following the election, this was our face-to-face meeting the week after the election, I mentioned it to him and he said, he will be coming forward with a proposal, and I eagerly await that, so that we can debate it on this floor, and I look forward to working with all of you on that.

Likewise, on health care issues, and prescription drugs, another issue that was fought out in the Governor's election, and I fully expect that we will be seeing many proposals in this session.

Now, a word about the budget, which we are told will be tight this year. We've had seven or eight straight years in which there was no question we would have a capital improvement bill, but such were the coffers overflowing to that extent, that we could always have a capital improvement bill, even way over \$100 million, for each of the last seven or eight years. That may very well not be the case we're told by the budgetary planners this year, and I know Governor-elect Holden has been hard at work on the budgetary issues that face him. But in the midst of this, our task has been complicated more by the ruling of Cole County Circuit Court that is now in the Supreme Court on the Hancock Amendment issues, saying we owe \$244 million in Hancock refunds. And I note that there have been some in elected office, and some in appointive office in our state government who have decried this and said that it's a terrible thing that we have the Hancock Amendment and that the people who brought suit under it are to be deplored and we're to somehow look upon them with disdain. I think it's time that we stop decrying those citizens, among us, those Missourians among us, who find that they must bring resort to the legal process to enforce the Constitution, and I think we ought to live by the Constitution and all its articles and amendments.

And, a word about tobacco issues that face us. Ideas on how to spend the tobacco money surely are as numerous as members of the House and Senate. They're as common as blackberries in July, and I don't stand before you to assert my ideas on how to spend that money. I will trust, as I will with these budget issues to the two chairmen of the Appropriations Committee, in great measure, who I expect to be the Senator from the 13th, and the Senator from Laclede, as veterans of that process, and they can help guide us through these many difficult issues. But I do commend to you in the true spirit of bipartisanship the letter authored by the Senator from the 13th, veteran budgetman that he is, dated December 7th, in which he identified for us a problem we face with this initiative petition that is in the field.

The initiative petition that has been filed and for which we don't doubt will get the signatures, presents great problems, it seems to me, as people who have taken the oath of office that we have just taken. It is hard to view it as anything other than a direct and sweeping attack on the constitutional powers of the members of the House and Senate to appropriate money and write the budget, and I ask you all to reflect on it as we consider the issues before us. That is something that all Missourians are going to have to think about before they take the extraordinary step of writing these percentages into the constitution the way it has been proposed.

Now, we hear much today about how we are evenly divided, as a country, and indeed, we have an even U. S. Senate, at 50-50. We have a very close margin, historically close, in the United States House. We have just finished one of the closest Presidential elections ever in American history, and the observer will note that much the same is true in the great state of Missouri. We just finished the third closest Governor's election in a century. We have a very close margin in the state House of Representatives, as we had the last two years, and we have a near tie in the Missouri Senate.

What I want to stress here is that although we Americans and we Missourians are very nearly evenly divided, the encouraging thing is that we are

not deeply divided. The distinction is crucial. Here is how one writer put it recently. "Many Americans and Missourians have a favorite party and a deeply held belief, and therefore, may find it hard to vote for the other party. However, most Americans do not find themselves actually alienated from their fellow Americans or truly fearful if the other party wins power. Unlike Bosnia or Northern Ireland, competing for power in the U.S. remains largely a debate between people who can work together once the election is over. I do most heartily commend that observation to you, and isn't that our task, to work together once the election is over?

I should like to introduce my special guests, my niece, Louisa Kinder is here with us today--my mother's oldest grandchild. And by the grace of God, over the weekend, Mom felt good enough to come--my mother, Mary Frances Hunter Kinder is here with us, as well.

In closing, I ask that we all remember that Australian Proverb, "Today a rooster strutting about, tomorrow a feather duster." And, we also remember that Capitol inscription outside our chamber, "Not to be served, but to serve."

President Maxwell resumed the Chair.

Senator Quick nominated Terry L. Spieler for Secretary of the Senate. Senator Kinder seconded the nomination.

No further nominations being made, Ms. Spieler was elected by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Goode--1			
Absent with leave--Senators--None			
Vacancies--3			

Senator Kinder nominated Lester Marcum for Sergeant-at-Arms. Senator Quick seconded the nomination.

No other nominations being made, Mr. Marcum was elected by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--3			

Senator Quick nominated Ken Holman for Doorkeeper. Senator Kinder seconded the nomination.

No other nominations being made, Mr. Holman was elected by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Vacancies--3

Terry Spieler, Lester Marcum and Ken Holman advanced to the bar and subscribed to the oath of office, which was administered by Judge Kinder.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate, that the Secretary of the Senate inform the House of Representatives that the Senate of the First Regular Session of the Ninety-first General Assembly is duly convened and is now in session and ready for consideration of business;

BE IT FURTHER RESOLVED that the Secretary of the Senate notify the House of Representatives that the Senate is now organized with the election of the following named officers:

President Pro Tem Edward Quick

Co-President Pro Tem Peter Kinder

Secretary of Senate Terry L. Spieler

Sergeant-at-Arms Lester S. Marcum

Doorkeeper Ken Holman

Senator Kenney moved that the above resolution be adopted, which motion prevailed.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 3**.

HOUSE RESOLUTION NO. 3

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-First General Assembly inform the Senate that the House is duly convened and is now in session ready for consideration of business.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-First General Assembly is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers to wit:

Speaker Jim Kreider

Speaker Pro Tem Mark Abel

Chief Clerk Ted Wedel

Doorkeeper Carl Strader

Sergeant-at-Arms Ralph Robinett

Chaplains Fr. David Buescher and Rev. Rudy Beard

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 4**.

HOUSE RESOLUTION NO. 4

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Ninety-first General Assembly, First Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Ninety-first General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Thursday, January 4, 2001, to receive a message from His Excellency, the Honorable Roger Wilson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-first General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution. **In which the concurrence of the Senate is respectfully requested.**

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 2**.

HOUSE CONCURRENT RESOLUTION NO. 2

BE IT RESOLVED, by the House of Representatives of the Ninety-first General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 10, 2001, to receive a message from His Honor William Ray Price, Jr., the Chief Justice of the Supreme Court of

the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the Ninety-first General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 3**.

HOUSE CONCURRENT RESOLUTION NO. 3

BE IT RESOLVED, by the House of Representatives of the Ninety-first General Assembly, First Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Tuesday, January 30, 2001, to receive a message from His Excellency, the Honorable Bob Holden, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the Ninety-first General Assembly, First Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment made and commissioned by Governor Mel Carnahan on July 12, 2000, while the Senate was not in session.

John F. Bass, Democrat, 4841 Margaretta, St. Louis City, Missouri 63115, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 29, 2000, while the Senate was not in session.

Terry Bloomberg, 47 Frontenac Estates, St. Louis, St. Louis County, Missouri 63131, as a member of the Children's Trust Fund Board, for a term ending September 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 29, 2000, while the Senate was not in session.

Nanci Anton Bobrow, Ph.D., 50 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Children's Trust Fund Board, for a term ending September 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel

Carnahan on October 11, 2000, while the Senate was not in session.

Charles E. Braithwait, Democrat, 202 James Drive, Clinton, Henry County, Missouri 64735, as a member of the Missouri Housing Development Commission, for a term ending October 6, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on July 12, 2000, while the Senate was not in session.

R. Marie Carmichael, Democrat, 908 Augusta Drive, Springfield, Greene County, Missouri 65809, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on June 2, 2000, while the Senate was not in session.

Arie L. Crawford, 1305-A South Country Club Drive, Jefferson City, Cole County, Missouri 65109, as a public member of the Advisory Committee for 911 Service Oversight, for a term ending April 21, 2004, and until her successor is duly appointed and qualified; vice, Atkins Warren, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 28, 2000, while the Senate was not in session.

Dorothy M. Creager, 3904 Summit Ridge, Independence, Jackson County, Missouri 64055, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on August 22, 2000, while the Senate was not in session.

Dwayne A. Crompton, Democrat, 11705 Summit, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, Deborah Patterson, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 28, 2000, while the Senate was not in session.

William P. Darby, 9600 Litzsinger Road, St. Louis, St. Louis County, Missouri 63124, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on October 4, 2000, while the Senate was not in session.

Willie J. Ellis, Democrat, 2025 Splendor, Florissant, St. Louis County, Missouri 63033, as a member of the Public Defender Commission, for a term ending December 30, 2003, and until his successor is duly appointed and qualified; vice, Raymond Hirsch, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on July 18, 2000, while the Senate was not in session.

Shirley A. Fearon, 11124 East 85th Street, Raytown, Jackson County, Missouri 64138, as a member of the State Mental Health Commission, for a term ending June 28, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on August 18, 2000, while the Senate was not in session.

Jerry Dean Gladden, 2456 County Road 338, New Bloomfield, Callaway County, Missouri 65063, as a member of the Personnel Advisory Board, for a term ending July 31, 2006, and until his successor is duly appointed and qualified; vice, Carolyn Ann Hulbert, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 28, 2000, while the Senate was not in session.

Elizabeth K. Grove, 36970 Monroe Road 370, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 28, 2000, while the Senate was not in session.

Susan E. Hazelwood, 3005 Chapel Hill Road, Columbia, Boone County, Missouri 65203, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on August 24, 2000, while the Senate was not in session.

Delores A. Hudson, Democrat, 1230 Pembroke Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on June 2, 2000, while the Senate was not in session.

John F. "Jack" Hunt, Republican, 407 Sutters Mill Road, St. Peters, St. Charles County, Missouri 63376, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2003, and until his successor is duly appointed and qualified; vice, Don W. Boschert, Jr., term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 28, 2000, while the Senate was not in session.

Mann H. Jawad, 3007 Crossview Estates, St. Louis, St. Louis County, Missouri 63129, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 5, 2000, while the Senate was not in session.

Lawrence Kahn, M.D., Democrat, 21 Midpark Lane, Ladue, St. Louis County, Missouri 63124, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until his successor is duly appointed and qualified; vice, Susanne B. Hoffmann, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on August 18, 2000, while the Senate was not in session.

Charles H. Kemper, Republican, 650 Second Street, Post Office Box 86, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 5, 2000, while the Senate was not in session.

Susan B. Lile, Ph.D., 524 Hickory Hollow Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Committee for Professional Counselors, for a term ending August 28, 2004, and until her successor is duly appointed and qualified; vice, Angela Cass, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 28, 2000, while the Senate was not in session.

Donald W. Link, 772 Southshire, St. Louis, St. Louis County, Missouri 63125, as a member of the Board of Boiler and Pressure Vessel Rules, for a term ending September 28, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on June 19, 2000, while the Senate was not in session.

John P. Madigan, Jr., Democrat, 16 Robyn Point, Osage Beach, Camden County, Missouri 65065, as member of the Labor and Industrial Relations Commission of Missouri hereby designated as the representative of the public and who is licensed to practice law in the state of Missouri, for a term ending June 27, 2000, and until his successor is duly appointed and qualified; vice, Christopher Kelly, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 5, 2000, while the Senate was not in session.

Nancy Russell Mikkelsen, M.D., Democrat, 116 The Woodlands, Gladstone, Clay County, Missouri 64119, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2004, and until her successor is duly appointed and qualified; vice, Jean Ellis, M.D., resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 29, 2000, while the Senate was not in session.

Kay Lynne Myers, 505 Northwest 43rd Terrace, Kansas City, Clay County, Missouri 64116, as a member of the Children's Trust Fund Board, for a term ending September 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on August 18, 2000, while the Senate was not in session.

Susan W. Nall, 7612 Wallinca Terrace, St. Louis, St. Louis County, Missouri 63105, as a public member of the Video Instructional Development Education Opportunity Fund, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 21, 2000, while the Senate was not in session.

Pier C. Patterson, 7638 Rosedale Drive, St. Louis, St. Louis County, Missouri 63121, as a public member of the Committee for Professional Counselors, for a term ending August 28, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 5, 2000, while the Senate was not in session.

George A. Pipes, D.O., Democrat, 30349 Keyboard Road, LaPlata, Macon County, Missouri 63549, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on June 16, 2000, while the Senate was not in session.

Alvin A. Plummer, 113 East El Cortez, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Alisa J. Warren, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on August 10, 2000, while the Senate was not in session.

Michael F. Shanahan, Jr., Democrat, 1165 Greystone Manor Parkway, Chesterfield, St. Louis County, Missouri 63005, as a member of the St. Louis Regional Convention and Sports Complex Authority, for a term ending May 31, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on August 24, 2000, while the Senate was not in session.

Michelle Y. Smart, 8436 Roanoke Drive, St. Louis, St. Louis County, Missouri 63121, as a public member of the Board of Geologist Registration, for a term ending April 11, 2003, and until her successor is duly appointed and qualified; vice, Connie Johnson, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on August 24, 2000, while the Senate was not in session.

Wayman F. Smith, III, Democrat, 6159 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on June 9, 2000, while the Senate was not in session.

Keith E. Spare, 5128 Brookside Boulevard, Kansas City, Jackson County, Missouri 64112, as a member of the Committee for Professional Counselors, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Christopher Magilo, Ph.D., resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 21, 2000, while the Senate was not in session.

Benjamin Uchitelle, 41 Crestwood Drive, Clayton, St. Louis County, Missouri 63105, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, Frances Brothers, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on June 9, 2000, while the Senate was not in session.

Katherine K. Wesselschmidt, 9566 Banyon Tree Court, St. Louis, St. Louis County, Missouri 63126, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Susan McHugh, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by Governor Mel Carnahan on September 28, 2000, while the Senate was not in session.

John T. Witherspoon, 1927 East Lark, Springfield, Greene County, Missouri 65804, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 15, 2000, while the Senate was not in session.

Susan A. Colgan, Democrat, 2221 Carper Drive, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2006, and until her successor is duly appointed and qualified; vice, Julia Rupp, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on January 1, 2001, while the Senate was not in session.

Michael L. Hartmann, 3817 Cedar Lane, Columbia, Boone County, Missouri 65201, as Commissioner of the Office of Administration for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Richard A. Hanson, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 15, 2000, while the Senate was not in session.

Charles H. Hoessle, Republican, 10814 Forest Circle Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2006, and until his successor is duly appointed and qualified; vice, John Siscel, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

**FIRST READING OF
PRE-FILED SENATE BILLS**

As provided in Chapter 21, RSMo 1994, Sections 21.600, 21.605, 21.610, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 1-By Schneider.

An Act to repeal sections 43.503, 56.085, 67.133, 104.312, 196.790, 211.185, 302.535, 351.025, 354.065, 426.220, 426.230, 429.360, 452.556, 455.040, 455.205, 479.150, 479.500, 482.305, 482.330, 483.310, 483.500, 487.030, 512.180, 512.190, 512.200, 512.210, 512.250, 512.270, 512.280, 512.290, 512.300, 512.310, 512.320, 514.440, 516.500, 517.011, 534.070, 534.350, 534.360, 534.380, 535.030, 535.110, 537.045, 537.675, 541.020, 550.120, 610.105, 621.055, 621.155, 621.165, 621.175, 621.185, 621.189, 621.198 and 650.055, RSMo 2000, and section 303.041 as enacted in house bill no. 1797 by the ninetieth general assembly, second regular session and as enacted in senate bill no. 19 by the ninetieth general assembly, first regular session, relating to judicial and administrative procedures, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

SB 2-By Schneider.

An Act to repeal sections 88.050 and 523.070, RSMo 2000, relating to condemnation of property, and to enact in lieu thereof two new sections relating to the same subject.

SB 3-By Schneider.

An Act to repeal sections 364.120, 365.140, 385.050, 408.083, 408.170 and 408.320, RSMo 2000, relating to prepayment of certain loans, and to enact in lieu thereof six new sections relating to the same subject.

SB 4-By Wiggins, Quick and DePasco.

An Act to repeal sections 84.480 and 84.510, RSMo 2000, relating to certain police officers, and to enact in lieu thereof two new sections relating to the same subject.

SB 5-By Wiggins, Goode, Schneider, Kenney, Scott, Rohrbach, Sims, DePasco, Stoll, Bentley, Childers, Carter and Yeckel.

An Act to repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 2000, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 6-By Wiggins, Goode and Carter.

An Act to amend chapter 407, RSMo, by adding thereto eleven new sections relating to consumer protection for home owners, with penalty provisions.

SB 7-By Scott.

An Act to repeal section 71.794, RSMo 2000, relating to business districts, and to enact in lieu thereof one new section relating to the same subject.

SB 8-By Scott.

An Act to repeal section 148.400, RSMo 2000, relating to premium taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 9-By Caskey.

An Act to amend chapter 262, RSMo, by adding thereto eight new sections relating to agriculture.

SB 10-By Caskey.

An Act to repeal sections 473.398 and 516.350, RSMo 2000, relating to judicial proceedings, and to enact in lieu thereof three new sections relating to the same subject.

SB 11-By Russell.

An Act to amend chapter 301, RSMo, relating to motor vehicle registration by adding thereto one new section relating to the same subject.

SB 12-By Russell.

An Act to repeal section 484.020, RSMo 2000, relating to the practice of law, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 13-By Russell.

An Act to repeal section 301.144, RSMo 2000, as enacted by senate bill no. 3, eighty-eighth general assembly, first regular session, and section 301.144, RSMo 2000, as enacted by senate bill no. 70, eighty-eighth general assembly, first regular session, relating to motor vehicle license plates, and to enact in lieu thereof one new section relating to the same subject.

SB 14-By Mathewson.

An Act to repeal section 221.425, RSMo 2000, relating to authorizing a sales tax for regional jail districts and associated court facilities, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date.

SB 15-By Mathewson.

An Act to repeal section 644.021, RSMo 2000, relating to the clean water commission, and to enact in lieu thereof one

new section relating to the same subject.

SB 16-By Mathewson.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to stealing services, with penalty provisions.

SB 17-By Staples.

An Act to repeal section 21.795, RSMo 2000, relating to the joint committee on transportation oversight, and to enact in lieu thereof one new section relating to the same subject.

SB 18-By Staples.

An Act to repeal section 302.020, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with a penalty clause.

SB 19-By Goode.

An Act to repeal sections 610.015, 610.021, 610.022 and 610.027, RSMo 2000, relating to the sunshine law, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 20-By Goode.

An Act to amend chapter 252, RSMo, by adding thereto five new sections relating to non-native species management.

SB 21-By Goode.

An Act to repeal sections 513.605 and 513.647, RSMo 2000, relating to forfeitures, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 22-By Singleton.

An Act to repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly, and to enact in lieu thereof one new section relating to the same subject.

SB 23-By Singleton.

An Act to repeal section 160.400, RSMo 2000, relating to charter schools, and to enact in lieu thereof one new section relating to the same subject.

SB 24-By Singleton.

An Act to amend chapter 376, RSMo, by adding thereto three new sections relating to health insurance.

SB 25-By Johnson.

An Act to repeal section 172.360, RSMo 2000, relating to tuition at the University of Missouri, and to enact in lieu thereof one new section relating to the same subject.

SB 26-By Johnson.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to high school diplomas for World War II veterans.

SB 27-By Johnson and Westfall.

An Act to repeal sections 322.010 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 28-By Rohrbach.

An Act to repeal sections 115.105 and 115.770, RSMo 2000, relating to elections, and to enact in lieu thereof two new sections relating to the same subject.

SB 29-By Rohrbach.

An Act to repeal section 650.055, RSMo 2000, relating to the department of public safety, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 30-By Rohrbach.

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to the operation of private jails for profit.

SB 31-By DePasco, Mathewson and Quick.

An Act to repeal section 304.190, RSMo 2000, relating to commercial zones, and to enact in lieu thereof one new section relating to the same subject.

SB 32-By Kinder.

An Act to repeal section 162.790, RSMo 2000, relating to state funding for the education of certain disabled students, and to enact in lieu thereof one new section relating to the same subject.

SB 33-By Kinder.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to English proficiency for college instructors.

SB 34-By Kinder.

An Act to repeal section 188.039, RSMo 2000, relating to the abortion/breast cancer link, and to enact in lieu thereof one new section relating to the same subject.

SB 35-By House.

An Act to amend chapters 335 and 376, RSMo, by adding thereto two new sections relating to health insurance.

SB 36-By Westfall, Childers, Steelman, Bentley, Russell and Singleton.

An Act to repeal sections 302.302, 302.309, 302.505, 302.510, 302.520, 302.541, 577.012, 577.017, 577.023, 577.037 and 577.600, RSMo 2000, relating to alcohol-related traffic offenses, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

SB 37-By Westfall and Kinder.

An Act to repeal section 570.030, RSMo 2000, relating to stealing, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 38-By Westfall, Steelman and Bentley.

An Act to repeal section 252.040, RSMo 2000, relating to restrictions on reintroducing wild elk, and to enact in lieu

thereof two new sections relating to the same subject, with penalty provisions.

SB 39-By Klarich and Goode.

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof seven new sections relating to the same subject.

SB 40-By Klarich.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

SB 41-By Kenney, Johnson, Sims, Wiggins, Steelman, Russell, Scott, DePasco and Yeckel.

An Act to amend chapter 172, RSMo, by adding thereto five new sections relating to the University of Missouri.

SB 42-By Kenney.

An Act to amend chapter 182, RSMo, by adding thereto two new sections relating to public libraries, with penalty provisions.

SB 43-By Kenney.

An Act to repeal section 135.095, RSMo 2000, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 44-By Bentley.

An Act to repeal sections 453.010, 453.070 and 453.080, RSMo 2000, relating to the adoption of foster children, and to enact in lieu thereof three new sections relating to the same subject.

SB 45-By Bentley.

An Act to repeal section 143.161, RSMo 2000, relating to dependency exemptions for foster children, and to enact in lieu thereof one new section relating to the same subject.

SB 46-By Bentley.

An Act to repeal sections 191.600, 191.603, 191.605, 191.607, 191.609 and 191.614, RSMo 2000, relating to health services in underserved areas, and to enact in lieu thereof seven new sections relating to the same subject.

SB 47-By Sims.

An Act to repeal sections 167.181, 192.070 and 332.311, RSMo 2000, relating to dental care, and to enact in lieu thereof five new sections relating to the same subject, with a termination date.

SB 48-By Sims.

An Act to repeal sections 210.903, 210.909, 210.915 and 210.936, RSMo 2000, relating to child care and elderly care, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 49-By Sims.

An Act to repeal sections 103.003, 103.083, 103.095, 103.141 and 103.150, RSMo 2000, relating to long term care insurance for state employees, and to enact in lieu thereof six new sections relating to the same subject.

SB 50-By Childers.

An Act to repeal section 21.183, RSMo 2000, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

SB 51-By Childers and Russell.

An Act to amend chapters 135 and 620, RSMo, by adding thereto three new sections relating to a rural housing development program, with an effective date for a certain section.

SB 52-By Childers.

An Act to repeal sections 301.010, 304.001, 304.015, 304.180, 304.200, 304.580 and 307.375, RSMo 2000, relating to traffic regulations, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

SB 53-By Bland.

An Act to repeal section 160.415, RSMo 2000, relating to charter schools, and to enact in lieu thereof one new section relating to the same subject.

SB 54-By Bland.

An Act to repeal sections 494.425 and 494.430, RSMo 2000, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

SB 55-By Bland.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to offenses against the person.

SB 56-By Stoll, Wiggins, DePasco and Jacob.

An Act to repeal section 160.545, RSMo 2000, relating to Mel Carnahan A+ Schools Program, and to enact in lieu thereof one new section relating to the same subject.

SB 57-By Stoll, Wiggins, Goode, House and DePasco.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating solely to the creation of an earned income tax credit.

SB 58-By Stoll.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to "Bird Appreciation Day".

SB 59-By Steelman, Wiggins, Russell and Kenney.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to adoption.

SB 60-By Steelman.

An Act to repeal sections 660.250, 660.260 and 660.300, RSMo 2000, relating to in-home care for the elderly, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 61-By Steelman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to local sales taxes for education.

SB 62-By Carter and Bland.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to election judges.

SB 63-By Carter, DePasco, Bland and Goode.

An Act to repeal sections 115.277, 115.279 and 115.283, RSMo 2000, relating to early voting procedures, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 64-By Carter.

An Act to amend chapter 379, RSMo, by adding thereto two new sections relating to automobile insurance coverage.

SB 65-By Gibbons.

An Act to repeal sections 147.010, 147.020, 147.030, 147.040, 147.050, 147.090, 147.100 and 147.120, RSMo 2000, relating to corporation franchise tax, and to enact in lieu thereof eight new sections relating to the same subject.

SB 66-By Gibbons.

An Act to repeal sections 568.030, 568.045 and 568.050, RSMo 2000, relating to abandonment of a child, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 67-By Gross.

An Act to repeal section 137.115, RSMo 2000, relating to property taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 68-By Gross.

An Act to repeal section 163.031, RSMo 2000, relating to state aid for public schools, and to enact in lieu thereof one new section relating to the same subject.

SB 69-By Gross.

An Act to repeal sections 570.030 and 570.080, RSMo 2000, relating to the felony limit for certain crimes, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 70-By Loudon.

An Act to amend chapter 570, RSMo, by adding thereto one new section relating to fraudulent practices using the internet with penalty provisions.

SB 71-By Loudon.

An Act to amend chapter 537, RSMo, relating to the liability of public entities, by adding one new section relating to the same subject.

SB 72-By Loudon.

An Act to repeal sections 109.120 and 109.241, RSMo 2000, relating to public and business records, and to enact in lieu thereof two new sections relating to the same subject.

SB 73-By Schneider.

An Act to repeal section 334.735, RSMo 2000, relating to physician assistants, and to enact in lieu thereof one new

section relating to the same subject

SB 74-By Wiggins.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

SB 75-By Wiggins.

An Act to repeal sections 435.012, 435.014, 435.350, 435.355, 435.360, 435.365, 435.370, 435.375, 435.380, 435.385, 435.390, 435.395, 435.400, 435.405, 435.410, 435.415, 435.420, 435.425, 435.430, 435.435, 435.440, 435.445, 435.450, 435.455, 435.460, 435.465 and 435.470, RSMo 2000, relating to arbitration, and to enact in lieu thereof thirty-two new sections relating to the same subject, with an effective date for certain sections.

SB 76-By Wiggins.

An Act to repeal section 92.402, RSMo 2000, relating to taxation for public mass transportation systems, and to enact in lieu thereof one new section relating to the same subject.

SB 77-By Russell.

An Act to repeal supreme court rule 5.29, relating to the unauthorized practice of law, and to enact in lieu thereof one new supreme court rule relating to the same subject.

SB 78-By Russell.

An Act to amend chapter 161, RSMo, relating to elementary and secondary education by adding thereto one new section relating to the same subject.

SB 79-By Goode.

An Act to repeal section 99.805, RSMo 2000, relating to tax increment financing, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date.

SB 80-By Goode.

An Act to repeal sections 138.420, 153.030, 393.297, 393.298, 393.299 and 393.302, RSMo 2000, relating to taxation and fees for energy services, and to enact in lieu thereof eleven new sections relating to the same subject, with an effective date for certain sections.

SB 81-By Goode.

An Act to repeal sections 302.010, 302.060, 302.302, 302.304, 302.309, 302.505, 302.540, 302.541, 302.545, 577.023 and 577.049, RSMo 2000, relating to driving with excessive blood alcohol content, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

SB 82-By Singleton.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physicians.

SB 83-By Singleton.

An Act to repeal sections 211.185 and 537.045, RSMo 2000, relating to victims of certain offenses, and to enact in lieu thereof two new sections relating to the same subject.

SB 84-By Singleton.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to intradistrict public school choice.

SB 85-By Rohrbach.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to the personal records of state employees.

SB 86-By Rohrbach.

An Act to repeal section 64.170, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof one new section relating to the same subject.

SB 87-By Rohrbach.

An Act to repeal sections 632.483 and 632.486, RSMo 2000, relating to civil commitment of sexually violent predators, and to enact in lieu thereof two new sections relating to the same subject.

SB 88-By Kinder.

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to requiring the sale of ethanol in certain areas.

SB 89-By Kinder.

An Act to repeal section 570.030, RSMo 2000, relating to crimes, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 90-By Kinder.

An Act to repeal sections 195.010, 195.211, and 195.275, RSMo 2000, relating to drug regulations, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 91-By Westfall.

An Act to repeal section 304.022, RSMo 2000, relating to emergency vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 92-By Westfall.

An Act to repeal sections 302.171 and 302.181, RSMo 2000, relating to social security numbers on driver's licenses, and to enact in lieu thereof two new sections relating to the same subject.

SB 93-By Kenney.

An Act to repeal section 143.171, RSMo 2000, relating to deductibility of individual federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 94-By Kenney.

An Act to repeal section 143.171, RSMo 2000, relating to deductibility of corporate federal income taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 95-By Kenney.

An Act to repeal section 304.200, RSMo 2000, relating to the regulation of housemovers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 96-By Bentley.

An Act to repeal section 301.451, RSMo 2000, relating to specialized license plates, and to enact in lieu thereof one new section relating to the same subject.

SB 97-By Bentley.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the department of elementary and secondary education.

SB 98-By Bentley.

An Act to repeal sections 491.075, 565.024, 566.010, 566.040, 566.070, and 568.060, RSMo 2000, relating to crimes and punishment, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 99-By Sims.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to the department of social services.

SB 100-By Childers.

An Act to repeal section 595.200, RSMo 2000, relating to rights of crime victims and to enact in lieu thereof two new sections relating to the same subject.

SB 101-By Childers.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to professional development schedules for public schools.

SB 102-By Childers.

An Act to amend Chapter 290, RSMo, by adding thereto one new section relating to the prevailing wage.

SB 103-By Bland.

An Act to repeal sections 143.171, 144.030 and 160.500, RSMo 2000, relating to sales and use tax, and to enact in lieu thereof three new sections relating to the same subject, with effective dates and a referendum clause.

SB 104-By Bland.

An Act to amend chapter 354, RSMo, by adding thereto twenty-three new sections relating to certain health care benefits with a contingent effective date for certain sections and a referendum clause.

SB 105-By Bland.

An Act to amend chapter 196, RSMo, by adding thereto two new sections relating to the tobacco settlement fund commission, with an emergency clause.

SB 106-By Steelman, Wiggins and Kenney.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to a pharmaceutical assistance program, with penalty provisions and a contingent termination date.

SB 107-By Steelman.

An Act to repeal section 252.040, RSMo 2000, and to enact in lieu thereof three new sections relating to restrictions on reintroducing wild elk, with penalty provisions.

SB 108-By Steelman.

An Act to amend chapter 172, RSMo, by adding thereto two new sections relating to science education.

SB 109-By Gross.

An Act to repeal section 537.118, RSMo 2000, relating to volunteers' liability, and to enact in lieu thereof one new section relating to the same subject.

SB 110-By Gross

An Act to repeal sections 421.005, 421.007, 421.011, 421.022, 421.028, 421.031 and 421.034, RSMo 2000, relating to mattresses, and to enact in lieu thereof seven new sections relating to the same subject, with a penalty provision.

SB 111-By Gross.

An Act to repeal section 301.142, RSMo 2000, relating to license plates for the physically disabled, and to enact in lieu thereof one new section relating to the same subject, with a penalty provision.

SB 112-By Loudon.

An Act to repeal section 578.395, RSMo 2000, relating to ticket scalping, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 113-By Loudon.

An Act to amend chapter 541, RSMo, by adding thereto one new section relating to venue in criminal credit card fraud cases.

SB 114-By Loudon.

An Act to repeal sections 288.020 and 288.040, RSMo 2000, relating to the construction and interpretation of employment security law, and the enact in lieu thereof two new sections relating to the same subject.

SB 115-By Wiggins.

An Act to repeal sections 143.111 and 143.171, RSMo 2000, relating to certain income tax deductions, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 116-By Wiggins.

An Act to repeal sections 400.1-105, 400.1-201, 400.2-103, 400.2-210, 400.2-326, 400.2-401, 400.2-502, 400.2-716, 400. 2A-103, 400.2A-303, 400.2A-307, 400.2A-309, 400.4-210, 400.7-503, 400.8-103, 400.8-106, 400.8-110, 400.8-301, 400.8-302, 400.8-510, 400.9-101, 400.9-102, 400.9-103, 400.9-104, 400.9-105, 100.9-106, 400.9-107, 400.9-108, 400.9-109, 400.9-110, 400.9-111, 400.9-112, 400.9-113, 400.9-114, 400.9-115, 400.9-116, 400.9-201, 400.9-202, 400.9-203, 400.9-204, 400.9-205, 400.9-206, 400.9-207, 400.9-208, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-306, 400.9-307, 400.9-308, 400.9-309, 400.9-310, 400.9-311, 400.9-312, 400.9-313, 400.9-314, 400.9-315, 400.9-316, 400.9-317, 400.9-318, 400.9-401, 400.9-402, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-501, 400.9-502, 400.9-503, 400.9-504, 400.9-505, 400.9-506, 400.9-507 and 400.9-508, RSMo 2000, relating to the uniform commercial code, and to enact in lieu thereof one hundred fifty-five new sections relating to the same subject, with an effective date.

SB 117-By Wiggins.

An Act to repeal sections 354.443 and 354.618, RSMo 2000, relating to protection of health care consumers, and to enact in lieu thereof four new sections relating to the same subject.

SB 118-By Goode.

An Act to repeal sections 67.1062, 67.1063, 67.1064, 67.1065 and 67.1071, RSMo 2000, relating to the homeless assistance program, and to enact in lieu thereof five new sections relating to the same subject.

SB 119-By Goode.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund.

SB 120-By Goode, Schneider, Carter and Bland.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 2000, and to enact in lieu thereof nine new sections relating to good faith employee negotiations, with penalty provisions.

SB 121-By Singleton.

An Act to repeal section 354.606, RSMo 2000, relating to health care providers, and to enact in lieu thereof one new section relating to the same subject.

SB 122-By Kinder.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to attorneys.

SB 123-By Kinder.

An Act to repeal section 21.750, RSMo 2000, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

SB 124-By Kinder.

An Act to repeal section 589.417, RSMo 2000, relating to registration of sex offenders, and to enact in lieu thereof two new sections relating to the same subject.

SB 125-By Bentley.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivisions.

SB 126-By Bentley.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to high school diplomas for World War II veterans.

SB 127-By Childers.

An Act to repeal section 644.051, RSMo 2000, relating to permitting of wastewater treatment facilities, and to enact in lieu thereof one new section relating to the same subject.

SB 128-By Childers.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

SB 129-By Childers.

An Act to repeal sections 490.715 and 537.067, RSMo 2000, relating to civil damage awards, and to enact in lieu thereof three new sections relating to the same subject.

SB 130-By Bland.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control.

SB 131-By Bland.

An Act to repeal sections 408.140 and 408.330, RSMo 2000, relating to penalties on late payments for certain credit transactions, and to enact in lieu thereof two new sections relating to the same subject.

SB 132-By Bland.

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state historic sites, with an emergency clause.

SB 133-By Steelman.

An Act to repeal section 167.349, RSMo 2000, relating to certain charter schools, and to enact in lieu thereof one new section relating to the same subject.

SB 134-By Loudon.

An Act to repeal section 163.031, RSMo 2000, relating to the school foundation formula, and to enact in lieu thereof one new section relating to same subject.

SB 135-By Wiggins.

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545 and 452.550, RSMo 2000, relating to the uniform child custody jurisdiction act, and to enact in lieu thereof forty new sections relating to the same subject.

SB 136-By Wiggins.

An Act to repeal sections 194.300, 194.302 and 302.171, RSMo 2000, relating to anatomical donation, and to enact in lieu thereof three new sections relating to the same subject.

SB 137-By Wiggins.

An Act to amend chapter 574, RSMo, by adding thereto one new section relating to offenses against public order, with penalty provisions.

SB 138-By Goode and Wiggins.

An Act to repeal section 304.010, RSMo 2000, relating to maximum speed limits, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 139-By Goode.

An Act to amend chapter 620, RSMo, by adding thereto eight new sections relating to community development.

SB 140-By Goode.

An Act to repeal section 144.025, RSMo 2000, relating to sales and use taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 141-By Childers.

An Act to repeal sections 144.010 and 277.020, RSMo 2000, relating to livestock, and to enact in lieu thereof three new sections relating to the same subject.

SB 142-By Childers.

An Act to repeal section 301.464, RSMo 2000, relating to license plates, and to enact in lieu thereof one new section relating to the same subject.

SB 143-By Childers.

An Act to repeal section 301.301, RSMo 2000, relating to motor vehicle license plate replacement, and to enact in lieu thereof one new section relating to the same subject.

SB 144-By Bland.

An Act to repeal section 590.650, RSMo 2000, relating to law enforcement practices, and to enact in lieu thereof one new section relating to the same subject.

SB 145-By Bland.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to college admissions policies.

SB 146-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to pilot program of urban early compulsory school attendance, with penalty provisions.

SB 147-By Wiggins and DePasco.

An Act to repeal section 144.030, RSMo, relating to sales and use taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 148-By Goode.

An Act to repeal sections 21.250 and 116.050, RSMo 2000, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

SB 149-By Goode.

An Act to repeal section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session and section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to motor vehicle emissions inspections in certain counties without a charter form of government, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 150-By Goode.

An Act to repeal section 386.570, RSMo 2000, relating to the public service commission, and to enact in lieu thereof

one new section relating to the same subject.

SB 151-By Childers.

An Act to amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

SB 152-By Childers.

An Act to repeal sections 143.121 and 143.141, RSMo 2000, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

SB 153-By Bland.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational programs.

SB 154-By Bland.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to telecommunity centers.

SB 155-By Bland.

An Act to repeal sections 143.191, 143.201, 143.211, 143.221 and 143.241, RSMo 2000, and to enact in lieu thereof eighteen new sections relating to the establishment of a general assembly scholarship program, with an effective date.

SB 156-By Goode.

An Act to repeal section 311.060, RSMo 2000, relating to liquor control law, and to enact in lieu thereof one new section relating to the same subject.

SB 157-By Goode and Bentley.

An Act to repeal section 610.021, RSMo 2000, relating to records of municipal utilities, and to enact in lieu thereof one new section relating to the same subject.

SB 158-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandatory coverage for hospital stays following surgery.

SB 159-By Bland.

An Act to amend chapter 215, RSMo, by adding thereto one new section relating to the Missouri housing development commission.

SB 160-By Bland.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 375.005 and 375.007, RSMo 2000, relating to cancellation of residential insurance policies, and to enact in lieu thereof five new sections relating to the same subject.

SB 161-By Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

SB 162-By Bland.

An Act to amend chapter 441, RSMo, by adding thereto one new section relating to right of access by a landlord to a

lessee's premises.

SB 163-By Bland.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of a needle exchange program.

SB 164-By Bland.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

SB 165-By Bland.

An Act to repeal sections 354.443 and 354.618, RSMo 2000, relating to protection of health care consumers, and to enact in lieu thereof four new sections relating to the same subject.

SB 166-By Bland.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of the joint committee on health care policy and planning, with an expiration date.

SB 167-By Bland.

An Act to repeal section 701.316, RSMo 2000, relating to lead-bearing substance activities, and to enact in lieu thereon one new section relating to the same subject.

SB 168-By Bland.

An Act to repeal section 630.405, RSMo 2000, relating to mental health patient services, and to enact in lieu thereof one new section relating to the same subject.

SB 169-By Bland.

An Act to repeal section 59.319, RSMo 2000, relating to user fees collected by the county recorder of deeds, and to enact in lieu thereof one new section relating to the same subject.

SB 170-By Bland.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to firearms and other weapons.

SB 171-By Bland.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to economic development in certain economically depressed areas.

SB 172-By Bland.

An Act to amend chapter 135, RSMo, by adding thereto five new sections relating to the establishment of tax credits for businesses which purchase certain goods and services, with penalty provisions.

SB 173-By Bland.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to homestead exemption for certain persons.

SB 174-By Bland.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to welfare reform.

SB 175-By Bland.

An Act to repeal section 141.540, RSMo 2000, relating to property taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 176-By Bland.

An Act to repeal section 139.053, RSMo 2000, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 177-By Schneider.

An Act to repeal sections 143.111 and 143.171, RSMo 2000, relating to certain income tax deductions, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

SB 178-By Schneider and Rohrbach.

An Act to repeal sections 355.131, 448.2-117, 448.3-102 and 448.3-106, RSMo 2000, relating to ownership of property, and to enact in lieu thereof four new sections relating to the same subject.

SB 179-By Rohrbach.

An Act to repeal section 443.851, RSMo 2000, relating to mortgage brokers, and to enact in lieu thereof one new section relating to the same subject.

SB 180-By Klarich.

An Act to repeal section 451.022, RSMo 2000, relating to marriage, and to enact in lieu thereof one new section relating to the same subject.

SB 181-By Caskey.

An Act to repeal section 307.173, RSMo 2000, relating to motor vehicle safety, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 182-By Loudon.

An Act to amend chapter 115, RSMo, relating to elections by adding thereto one new section relating to the same subject.

SB 183-By Schneider.

An Act to repeal section 287.210, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 184-By Johnson, Quick and DePasco.

An Act to repeal sections 205.968, 205.969, 205.970, 205.971, 205.972 and 205.973, RSMo 2000, relating to sheltered workshops, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

SB 185-By Loudon.

An Act to repeal section 301.131, RSMo 2000, relating to historic motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 186-By Klarich.

An Act to amend chapter 367, RSMo, by adding thereto five new sections relating to deferred presentment services.

SB 187-By Schneider and Wiggins.

An Act to repeal sections 386.510, 386.520, 386.530 and 386.540, RSMo 2000, relating to judicial appeal of public service commission orders, and to enact in lieu thereof four new sections relating to the same subject.

SB 188-By Russell.

An Act to repeal section 143.121, RSMo 2000, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 189-By Russell.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to the disclosure of the identity of political phone callers, with penalty provisions.

SB 190-By Russell.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to required documentation for internet services provided by telecommunications companies.

SB 191-By Goode.

An Act to repeal section 77.450, RSMo 2000, relating to certain municipalities, and to enact in lieu thereof one new section relating to the same subject.

SB 192-By Schneider, Wiggins, Goode and Scott.

An Act to repeal section 565.020, RSMo 2000, relating to murder, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 193-By Rohrbach.

An Act to repeal sections 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.022, 375.025, 375.027, 375.030, 375.031, 375.033, 375.035, 375.037, 375.039, 375.051, 375.061, 375.065, 375.071, 375.076, 375.081, 375.082, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.121, 375.136, 375.141, 375.142 and 375.146, RSMo 2000, relating to the licensing of insurance producers, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions and an effective date.

SB 194-By Schneider and Bland.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to drug formularies.

SB 195-By Schneider and Goode.

An Act to repeal section 144.190, RSMo 2000, relating to refunds of incorrectly collected sales tax to original purchases, and to enact in lieu thereof one new section relating to the same subject.

SB 196-By Scott.

An Act to repeal sections 84.020, 84.120 and 84.150, RSMo 2000, relating to the St. Louis police department, and to enact in lieu thereof three new sections relating to the same subject.

SB 197-By Johnson.

An Act to repeal section 320.091, RSMo 2000, relating to fire protection, and to enact in lieu thereof one new section relating to the same subject.

SB 198-By Staples.

An Act to repeal section 67.582, RSMo 2000, relating to law enforcement sales tax, and to enact in lieu thereof one new section relating to the same subject.

SB 199-By Sims.

An Act to amend chapter 300, RSMo, by adding thereto one new section relating to local traffic ordinances.

SB 200-By Sims.

An Act to repeal section 217.015, RSMo 2000, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

SB 201-By Sims.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Missouri lifelong learning month.

SB 202-By Wiggins.

An Act to repeal sections 436.200, 436.205, 436.209 and 436.212, RSMo 2000, relating to athlete agents, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

SB 203-By Scott.

An Act to repeal section 32.085, RSMo 2000, relating to the sales tax imposed by the metropolitan park and recreation system, and to enact in lieu thereof two new sections relating to the same subject.

SB 204-By House.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

SB 205-By Bland.

An Act to amend chapter 135, RSMo, by adding thereto four new sections relating to tax relief for child care payments, with penalty provisions and an expiration date for a certain section.

SB 206-By Wiggins.

An Act to repeal sections 701.025, 701.027, 701.029, 701.031, 701.033, 701.035, 701.037, 701.038, 701.040, 701.043, 701.046, 701.048, 701.050, 701.051, 701.052, 701.053, 701.054, 701.055 and 701.059, RSMo 2000, relating to on-site sewage treatment systems, and to enact in lieu thereof nineteen new sections relating to the same subject.

SB 207-By Klarich.

An Act to repeal section 334.128, RSMo 2000, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

SB 208-By Sims.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for disabled veterans.

SB 209-By DePasco.

An Act to repeal section 556.036, RSMo 2000, relating to limitations of prosecutions, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 210-By DePasco.

An Act to amend chapter 324, RSMo, by adding thereto nineteen new sections relating to the licensing of home builders, with penalty provisions.

SB 211-By DePasco.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to sound amplification systems in motor vehicles.

SB 212-By Gross, Kenney, Russell and Loudon.

An Act to repeal section 143.121, RSMo 2000, relating to income taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 213-By Gross, Steelman and Singleton.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for property taxes.

SB 214-By Gross, Kenney and Russell.

An Act to repeal section 573.037, RSMo 2000, relating to the possession of child pornography, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 215-By Gross.

An Act to repeal section 570.120, RSMo 2000, relating to the crime of passing bad checks, and to enact in lieu thereof one new section relating to the same subject.

SB 216-By Scott.

An Act to repeal section 334.120, RSMo 2000, relating to professional registration, and to enact in lieu thereof one new section relating to the same subject.

SB 217-By Russell.

An Act to amend chapter 577, RSMo, relating to public safety offenses by adding thereto one new section relating to the same subject, with a penalty provision.

SB 218-By Russell.

An Act to repeal section 144.030, RSMo 2000, relating to sales and use tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 219-By Mathewson.

An Act to repeal section 191.227, RSMo 2000, relating to access to medical records, and to enact in lieu thereof one

new section relating to the same subject.

SB 220-By Kinder and Gross.

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675, 28.678, 28.684, RSMo 2000, and section 28.681 as enacted by senate bill 680 and section 28.681 as enacted by senate bill 844 during the second regular session of the eighty-ninth general assembly, relating to the uniform electronic transactions act, and to enact in lieu thereof twenty new sections relating to the same subject.

SB 221-By Westfall.

An Act to repeal section 144.030, RSMo 2000, relating to sales and use tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 222-By Caskey.

An Act to amend chapter 149, RSMo, by adding thereto six new sections relating to the sale of cigarettes, with penalty provisions.

SB 223-By Caskey.

An Act to repeal section 556.046, RSMo 2000, relating to criminal procedure, and to enact in lieu thereof one new section relating to the same subject.

SB 224-By Russell.

An Act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to law enforcement districts, with an emergency clause.

SB 225-By Mathewson.

An Act to repeal section 660.050, RSMo 2000, relating to the department of health and senior services, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 226-By Goode.

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a life sciences research program.

SB 227-By Jacob.

An Act to repeal section 461.051, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

SB 228-By Jacob.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing before the start of the school year, with an emergency clause and a termination date.

SB 229-By Jacob.

An Act to amend chapter 327, RSMo, by adding thereto one new section relating to design/build contracts.

SB 230-By Childers.

An Act to amend chapter 67, RSMo, by adding thereto seven new sections relating to local sales taxes for the promotion of economic development.

SB 231-By Gross.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax on food.

SB 232-By Gross.

An Act to repeal section 565.032, RSMo 2000, relating to the death penalty, and to enact in lieu thereof one new section relating to the same subject.

SJR 1-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

SJR 2-By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, and adopting one new section relating to funds administered by the department of natural resources.

SJR 3-By Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri relating to education, and adopting three new sections in lieu thereof relating to the same subject.

SJR 4-By Johnson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

SJR 5-By Childers.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri relating to education.

SJR 6-By Childers.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri relating to the public service commission.

SJR 7-By Bland.

Joint Resolution to ratify a proposed amendment to the Constitution of the United States.

SJR 8-By Steelman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

SJR 9-By Goode, Scott, Gibbons and Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 233-By Wiggins.

An Act to amend chapter 195, RSMo, relating to drug regulations, by adding thereto eight new sections relating to civil liability for drug dealing.

SB 234-By Wiggins.

An Act to repeal section 144.010, RSMo 2000, relating to sales tax of telecommunication services, and to enact in lieu thereof one new section relating to the same subject.

SB 235-By Sims.

An Act to repeal sections 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366 and 197.367, RSMo 2000, relating to Missouri health facilities review and certificate of need law, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

SB 236-By Sims.

An Act to repeal section 453.072, RSMo 2000, relating to adoption subsidies, and to enact in lieu thereof one new section relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, his wife, Kay; his father, Albert Caskey; and Janice Craft, Butler; his brother, Robert Caskey and his wife, Alice, Holden; and Virginia Finley, Hume.

Senator Goode introduced to the Senate, his wife, Jane, St. Louis; and his son Peter Goode, his wife, Jeni and their daughter, Beverly Anne, Jefferson City; and Beverly Anne was made an honorary page.

Senator Russell introduced to the Senate, his wife, Margaret, and their grandson, John C. Russell, Lebanon.

Senator Kinder introduced to the Senate, his mother, Mary Frances Kinder, Cape Girardeau; and his niece, Louisa Kinder, Cairo, Illinois; and former State Representative Jim Graham, Fredericktown.

Senator Loudon introduced to the Senate, his wife, Gina, and their daughters, Lyda and Lily; his parents, Bob and Jan Loudon; and Dick and Linda Oscarson, Ballwin; Scott Schatzman and Michael Geller, Chesterfield; and John Paul Frisella, Maplewood.

Senator Gross introduced to the Senate, his mother, Margaret Gross, St. Peters; his wife, Leslie, and their daughters, Megan and Madelynn; and Erwin Wessler and Carol Emison, St. Charles.

Senator Foster introduced to the Senate, his wife, Karen, and their daughter, Karmen, Poplar Bluff.

Senator Foster introduced to the Senate, the Physician of the Day, Dr. Alan Chen, M.D., his wife, June, and their

children, Wendy and Lyndon, Dexter.

Senator Schneider introduced to the Senate, former State Senator Gerald Winship, Lee's Summit.

Senator Rohrbach introduced to the Senate, former State Senator Al Mueller, Jefferson City; and Christina Porter, Jamestown.

Senator Yeckel introduced to the Senate, Pat Manfrede and Sandy Horrell, St. Louis County.

Senator Carter introduced to the Senate, members of her family, Paula Carter-Lay, Keena and Ronda Carter; Christopher Carter and Chris Carter, Sr., St. Louis; and Paula and Christopher were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SECOND DAY-THURSDAY, JANUARY 4, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Schneider

SB 2-Schneider

SB 3-Schneider

SB 4-Wiggins, et al

SB 5-Wiggins, et al

SB 6-Wiggins, et al

SB 7-Scott

SB 8-Scott

SB 9-Caskey

SB 10-Caskey

SB 11-Russell

SB 12-Russell

SB 13-Russell

SB 14-Mathewson

SB 15-Mathewson

SB 16-Mathewson

SB 17-Staples

SB 18-Staples

SB 19-Goode

SB 20-Goode

SB 21-Goode

SB 22-Singleton

SB 23-Singleton

SB 24-Singleton

SB 25-Johnson

SB 26-Johnson

SB 27-Johnson and Westfall

SB 28-Rohrbach

SB 29-Rohrbach

SB 30-Rohrbach

SB 31-DePasco, et al

SB 32-Kinder

SB 33-Kinder

SB 34-Kinder

SB 35-House

SB 36-Westfall, et al

SB 37-Westfall and Kinder

SB 38-Westfall, et al

SB 39-Klarich and Goode

SB 40-Klarich

SB 41-Kenney, et al

SB 42-Kenney

SB 43-Kenney

SB 44-Bentley

SB 45-Bentley

SB 46-Bentley

SB 47-Sims

SB 48-Sims

SB 49-Sims

SB 50-Childers

SB 51-Childers and Russell

SB 52-Childers

SB 53-Bland

SB 54-Bland

SB 55-Bland

SB 56-Stoll, et al

SB 57-Stoll, et al

SB 58-Stoll

SB 59-Steelman, et al

SB 60-Steelman

SB 61-Steelman

SB 62-Carter and Bland

SB 63-Carter, et al

SB 64-Carter

SB 65-Gibbons

SB 66-Gibbons

SB 67-Gross

SB 68-Gross

SB 69-Gross

SB 70-Loudon

SB 71-Loudon

SB 72-Loudon

SB 73-Schneider

SB 74-Wiggins

SB 75-Wiggins

SB 76-Wiggins

SB 77-Russell

SB 78-Russell

SB 79-Goode

SB 80-Goode

SB 81-Goode

SB 82-Singleton

SB 83-Singleton

SB 84-Singleton

SB 85-Rohrbach

SB 86-Rohrbach

SB 87-Rohrbach

SB 88-Kinder

SB 89-Kinder

SB 90-Kinder

SB 91-Westfall

SB 92-Westfall

SB 93-Kenney

SB 94-Kenney

SB 95-Kenney

SB 96-Bentley

SB 97-Bentley

SB 98-Bentley

SB 99-Sims

SB 100-Childers

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and Bland

SB 195-Schneider and Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SJR 1-Schneider

SJR 2-Goode

SJR 3-Goode

SJR 4-Johnson

SJR 5-Childers

SJR 6-Childers

SJR 7-Bland

SJR 8-Steelman

SJR 9-Goode, et al

RESOLUTIONS

HCR 1-Crump (DePasco)

HCR 2-Crump (Kenney)

HCR 3-Crump (DePasco)

Journal of the Senate

FIRST REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 4, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we are grateful for the excitement of these opening days of our Senate and we are mindful of the challenges we have been given by our leadership and will have time to think about all that is taking place as we travel home eager to be back with loved ones. So Lord, please watch over our going out and coming in and bless us with Your presence and protection this weekend. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
Absent with leave--Senator Scott--1			
Vacancies--3			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 3, regarding Barbara O'Toole, Kansas City, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 4

WHEREAS, the members of the Missouri Senate were truly saddened by the death of longtime Show-Me State resident Ethel L. Brack Strode of Grandview, Missouri, on Sunday, December 24, 2000, at the age of eighty-two; and

WHEREAS, born on the warm summer day of June 8, 1918, in Olathe, Kansas, Ethel Strode was a member of the Grandview United Methodist Church, Womans League, Eastern Star, and the Grandview Historical Society; and

WHEREAS, a docent for the Truman Farm Home, Ethel Strode earned the Volunteer Hall of Fame Award in 1993; and

WHEREAS, universally praised as a woman who was devoted to her family, Ethel Strode is survived by her husband, John Jay Strode; a son, John G. Strode of Grandview; daughter, Kay L. Harbert, and her husband, Charles, of Creede, Colorado; daughter, Susan Donnelly of Raymore, Missouri; and daughter, Deborah Lea Cooley, and her husband, Mike, of Oklahoma City, Oklahoma; and

WHEREAS, Ethel Strode was fortunate enough to see the joyous arrival of eight grandchildren and eight great-grandsons, all of whom will miss the daily light and warmth of her presence in their lives; and

WHEREAS, always striving to be an active component of the community in which she lived, Ethel Strode leaves behind many colleagues, friends, and acquaintances who valued her chosen work in life;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to commend the late Ethel Strode for her longtime involvement in family, church, and community and to convey to her many family and friends this legislative body's sincerest condolences at her passing; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late Ethel L. Brack Strode of Grandview, Missouri.

Senators Wiggins and Sims offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 5

WHEREAS, the members of the Missouri Senate are deeply saddened to learn of the death of Vernon Debo, of Kansas City; and

WHEREAS, Vernon Debo was a highly respected resident of South Kansas City and a community activist in the field of support and funding for developmentally disabled citizens and the State facilities which care for them; and

WHEREAS, Vernon Debo eagerly dedicated his time and talents to various State Commissions and Committees to which he was appointed in the field of mental health; and

WHEREAS, Vernon Debo was a particular friend of the Missouri Senate, known over many years as a friend by members of both political parties and was greatly admired by members of the Senate for his statewide recognition for dedication to the care of the mentally ill and the developmentally disabled; and

WHEREAS, Vernon Debo had the distinction of having been a guest of the Missouri Senate on the opening day of session for 59 consecutive years when he visited the Senate on opening day, 2000;

NOW, THEREFORE, the members of the Missouri Senate pause in their deliberations to salute the memory of Vernon Debo, express their appreciation for his lifetime of good citizenship and his countless contributions to the care of the mentally ill and developmentally disabled, and extend to Mr. Debo's many friends and admirers most sincere sympathy on his death; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Mental Health and Mr. Tom Rash.

Senator Russell, joined by the entire membership of the Senate, offered Senate Resolution No. 6, regarding the death of Ethel Faye Westfall, Bolivar, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 1** was adopted by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Childers
DePasco	Foster	Gibbons	Goode

Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley Schneider--2

Absent with leave--Senator Scott--1

Vacancies--3

COMMITTEE APPOINTMENTS

President Pro Tem Quick submitted the following committee appointments, pursuant to **HCR 1**: Senators Carter, DePasco, House, Klarich, Rohrbach, Russell, Sims, Stoll, Westfall and Wiggins.

Senator Kenney moved that the Senate recess to repair to the House of Representatives to receive a message from His Excellency, Governor Roger B. Wilson, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

	Present--Senators		
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

Absent--Senator Singleton--1

Absent with leave--Senator Scott--1

Vacancies--3

On roll call the following Representatives were present:

Present--Representatives			
Abel	Baker	Ballard	Barnett
Barnitz	Barry (100)	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser
Black	Boatright	Bonner	Boucher
Bowman	Boykins	Britt	Brooks
Burcham	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Coleman
Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Davis (122)
Dempsey	Dolan	Dougherty	Enz

Fares	Farnen	Foley	Ford
Franklin	Fraser	Froelker	Gambaro
Gaskill	George	Graham	Gratz
Green (15)	Green (73)	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Hartzler
Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson (61)	Johnson (90)
Jolly	Kelley (47)	Kelly (144)	Kelly (27)
Kelly (36)	Kennedy	King	Klindt
Koller	Lawson	Legan	Levin
Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble
Marsh	May (149)	Mayer	Mays (50)
McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Naeger
Nordwald	O'Connor	Ostmann	O'Toole
Overschmidt	Patek	Phillips	Portwood
Purgason	Ransdall	Rector	Reid
Reinhart	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott
Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith
St. Onge	Thompson	Townley	Treadway
Troupe	VanZandt	Villa	Vogel
Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson (25)	Wilson (42)
Wright	Mr. Speaker--158		
Absent and Absent with Leave--Representatives			
Bray (84)	Clayton	Harlan	Surface-4
Vacancies-1			

The Joint Committee appointed to wait upon His Excellency Roger B. Wilson, escorted the Governor to the dais where he delivered the following message:

I am going to have fun this morning. Whether you do or not is your business. I want to thank you. I want to thank everybody for the 24 wonderful years of public trust. It has been unbelievable. Let me assure you that nothing ever changes--I got 4 requests for appointments just on my way up the aisle.

To Governor-elect and our statewide office holders, it is a pleasure to be here with you. For all of us, our families -- yours and mine and our supporters, our friends and constituents -- this is an amazing thing that we get to do. It is just wonderful. My apologies for my family -- each of them had an assigned duty today and are not able to be here, but we have already talked about it and I received some adequate coaching on this presentation, so I hope it goes well. I also want to thank the people of the State of Missouri who are an amazing group. I have never seen strength exhibited like I did during the Flood of 93 or in the recent tragedy. There are a lot of people who make our job easier. I am going to list some and I am going to miss some and I really apologize. This is a neat environment and for all you new legislators, welcome. It will be a great experience and I think you will find my words are true -- you are going to enjoy your personal staff. They will keep more hide on you than you ever realized. I appreciate everybody in this capitol -- the maintenance people that make sure you and I have a beautiful place to come to work everyday. Those that work hard and pay their taxes, educate our kids and take care of our mentally ill; the Capitol Police, the Print Shop, the people in the cafeteria, House and Senate and Legislative Research that we rely on so much; the Senior Staff of both Houses and in the Governor's Office; Enrolling and Engraving; and our Doorkeepers, Chief Clerk, Secretary of the Senate, Senate Administrator -- they really keep us glued together and make us look better than we deserve. You know it and I know it.

Everybody is special, but we have a group that is assembled for a special reason -- the Governor's Youth Leadership Conference. They are seated right up here. I would ask that you recognize them. I would ask that they stand. Take a good look because when we are sitting on a nursing home porch in our rockers, they will be running this state. They are going to take great care of us.

I want to thank the press and I know you think I am just sucking up to you for a future run but that is not the case. I do want to thank them because information is golden, it really is and you know that we can talk about disinformation or bad information, but everybody can share a little guilt, but I especially want to thank them for the decorum that they exhibited during the funeral of Governor Carnahan. We dealt with them and they were perfect. They did a wonderful job and I wish you would thank them for that. They are mad at me this morning because they asked for a copy of the speech and John Robinson had to finally tell them well Roger hasn't finished writing it yet, so you don't get it. That is the only reason you don't have one.

I love the House and the Senate. I somewhat regret the fact that I didn't get to serve in the House because I certainly enjoyed enough of its raucous humor. A lot of it was at my expense, but I certainly enjoyed it and there is this energy over here that is amazing to watch and it is different from the Senate. I have had some wonderful friends in the House and I thank you so much for your friendship. I also appreciate the tough decisions that you have had to fight your way through and yes you will get some more this year. I regret that. I wish some of these things I or all of us collectively could have taken care of. Governor-Elect Holden has my best wishes and he will have my support. I will say it right now -- Bob Holden deserves everybody's support regardless of party lines. President George Bush deserves everybody's support regardless of party lines. We have got too much at stake whether it is opportunity or a threat to risk letting something important fall through the cracks because of a lack of civility or a mistaken importance of either pride or power. I hope that this General Assembly and this Governor will be able to work very well together.

For you young legislators, I have some warnings -- the minute you see a senior legislator stand up and start to tell about a conference committee that they were on about 20 years ago and get ready to quote and every member of the conference committee is deceased -- just put your seatbelt on. You might want to revamp your approach if you get a consent bill killed. One of my favorite lines uttered in the Missouri Senate was Senator, I will never lie to you on the floor. And another of my favorite lines was uttered by Senator Emory Melton. Senator Melton had worked and worked on a Social Services Bill to get it amended. He still didn't like it and probably wasn't going to vote for it. The sponsor who had suffered all of the amendments, finally said, Senator isn't that good enough and he shrugged and said bad breath is better than no breath at all.

You are going to suffer some embarrassments while you are here, so just get used to it. This is a fishbowl. You are in the public eye and none of us are perfect. Let me share a couple of my embarrassing moments. One happened not too many years ago. I was down at the Capitol Plaza Hotel and I noticed several House members in the audience. So I started naming a few and I thought oh this is going to be kind of bad. I got about 8 or 10 named and I said now have I missed anybody. About 18 hands went up. You can weather that stuff, as long as you have a sense of humor, you can stand your own frailties and I encourage you to think about that.

On government, I've always looked at it in a couple of ways but one that's never changed is that we have some producers and we have users -- users by necessity, but nonetheless, users. The producers are our manufacturers -- our retailers, the people that we can reach through economic development, helping with tax credits or anything else.

Agriculture, you guys did some great things last year and I look forward to the funding of some innovative agricultural themes this year. That's going to help. If you really want to do something to help agriculture that's what you're going to do is make sure that that funding gets in there. Because some of these new co-ops out here that are trying to help the family farms make it need our support. And, maybe it's not enough right now but, boy, it's a good start. So, you keep it up and you keep going there.

Tourism -- Senator Danny Staples will be introducing a Senate bill to enhance the tourism formula and I am making a personal request that you pass that legislation and that you enhance the formula. Because I have never seen a better marriage. What I've seen between the industry, the legislature, the public and the division of tourism -- it's just fantastic. You put them on a production basis a few years ago with House Bill 188, and they've done a marvelous job. And that board is one of the best boards in the state. So, if you would (not that Danny needs any help) give Danny all the help you can on that. I would hope that a house member on the tourism committee would introduce that too. It makes sense. It makes sense because when ag. produces, when tourism produces, when manufacturing and retailing produce -- then you can take care of mental health, school children, seniors, corrections. But, we've got to have them strong and I think you can do a few things this year that will really tweak that in a wonderful form.

I sent all of you a letter on Aging. I don't know if you've gotten it yet -- I don't know if you've read it yet. But, obviously I believe very strongly that aging has had some problems in the past and I think we ought to address them. And I had some choices; I could have just done some housekeeping and gone on. But, I'm not going to look back on my career and think -- Rog; you were there for two and one-half months -- why didn't you do something about it? So, I'm asking you to help me move the Division of Aging from Social Services (which is overcrowded) to the Department of Health, which has some very nice horizontal connections in it. And, let's help both departments. Give Social Services some breathing room and give Aging some more attention at the Governor's table. Because, I truly believe in about six to eight years, when baby-boomers become senior-boomers, you and I could have a problem very similar to what we have now with highways, that we're going to wrestle with and bring to the ground somehow. But, I don't want another one coming right behind it just as soon as you get that done. Let's give ourselves

a chance for some elevation of senior issues, and get those things debated, get them heard at the budget level and the Governor's table level, so that they don't sneak up on us in a few years. If you need a little more proof of the pudding, for those of you that are new, we've had 14 directors in 20 years. That's an abysmal record. That's no concentration. That's no consistency and we need to change it.

I would like to see a few efficiencies in the budget too. I've heard that the hiring freeze is me trying to make sure that Bob's got some slots to fill. (See, I listen to the radio, Merrill -- and I love you.) But, I'm telling you; you have a little bit different budget to deal with this year. And, after you've wrestled with it for a couple of months you're going to realize that. And, it's not going to be as much fun as some of the other years have. But, it's something I noticed when I was appropriations chairman and I think we ought to re-institute it every now and then. My proposal today would be to reduce the FTE number, starting today, by 500 people. That's not big -- out of 60,000 -- but it's significant. And, I'll tell you right now, I'm probably taking the easiest 500 and Governor Holden is going to be left with some tougher decisions. So, don't think it's all done even if we get this done. It will free up some money, and, yes, we're having trouble with revenues meeting expectations. Hopefully, that's going to improve and we'll keep a closer eye on it. But, I think this kind of flexibility is important for budgetary reasons. But, I also think that the people that ought to control how many places sit vacant, or how many people you actually allow to a department, are the people that receive the votes. Whether it's in the executive branch or the legislative branch, and I don't think the padding (and I'm not demeaning any department heads) needs to be there. I think you are the ones that need to assign those resources. And, so, when these 500 are cut (and by the way, those are vacancies) I told you they were the easiest ones. I would like you to take some of that money and plow it back into a few of those departments because the reason for some of those vacancies is because the pay is so low, and the work is so hard with direct services (whether mentally ill or others) that we just can't keep people hired. So, if we really want to serve the people that we're actually talking about serving, then let's get serious about it and let's try to get people on hand to help take care of them. And, if we have to raise a few salaries then I think we ought to do it.

While I'm on state workers -- I have a real strong feeling that they/we all have an obligation -- if we actually think we can run a democracy -- if we're not good, we better get good. And that goes for everybody (myself included) to the newest employee of the state. And I think we've had a pretty good attitude for the last eight years in trying to bring people out and do that. I hope that that can continue because it's going to be very important for this next administration. I also want to say that a lot of state employees have jobs that you and I would not take. We wouldn't have them -- we wouldn't even apply for them. I don't think it's fair to use them as punching bags when they are out there working in the Biggs Unit, when they're out there on a highway (and the highest mortality rate in state government is highway workers out there). I know it's easy to kick around, let's just don't do it -- let's just don't do it. If you really want to build a team spirit, if you really want to build a team spirit, you have to lift people up. And you have to tell them when they come into those appropriation hearings, or when they come into your senate and house hearings you have to ask them legitimate questions about "how are you going to get it done?" And, we always do that, but I also know we also take some "pot shots", and, yes, I'm guilty. Let's slow it down, let's give them a chance and let's encourage them. Because I've seen some great work out of them, I've seen them do some great things and I think they deserve better than some of what they've gotten in the past and for that I apologize.

Now, this is a little fun thing I want to do. And it only cost about \$30 million. Back in 1918 when the Capitol was complete there's a drawing of a riverfront entrance, and it's gorgeous. As a matter of fact, Senators already have a copy of that, along with some supporting documents on their desk that they'll receive when they get back. And, as soon as this speech is over each of you will receive a packet. But, a river museum will do several things that I would like to encourage you to do. It would provide more office space close to the Capitol. Possibly with an entrance that you don't have to go outdoors to use. It would provide more parking. It would provide a place for school children to come in and be weather-covered on Amtrak. It would provide a place for us to memorialize Lewis and Clark, which is coming up in 2003. And, if you would grant me this, I would request that a portion of that space be taken up for a memorial to Governor Carnahan. It is beautiful, and it is expensive, and I really feel guilty about coming to you and talking about money when I don't have the source in hand. All I can tell you is I will try to help. It's something that's worthy. It's something that our constituents would enjoy. It's a way you can help tourism. But, more importantly, it's something that will make us more efficient and make Missouri prouder of their seat of government. I hope you enjoy looking at that package. It enthused me the first time I saw it and I hope it enthuses you.

All right, now is the time on the program for a couple of rants. I've noticed that in my speech pattern. And, there are certain things that I really don't have a solution for exactly, but they really burn me up so I want to get everybody thinking about them. Gripping has become a national pastime. That's the kind of thing we can fall into. Why has it become a national pastime? Because we've got it so good. How many people in here have lived in a house without electricity? How many people in here have lived in a house without indoor plumbing? Do we have it good? Yeah, we have it good -- we have it great. So, what have we done with our spare time? We fill it with a little gripping. Let's change it and let Missouri be the point of impact. Let's really let that happen. Okay, I'm feeling better -- that's good.

Educational peeves -- I don't want teachers blamed for educational problems that have nothing to do with them. A fifty-percent divorce rate and a drug problem are not caused by teachers. They are absolutely our front line on trying to fight a lot of that. Let's try to give them some real help. We've passed laws to punish people that misbehave around the school but I think we're going to have to figure out (even with the safe schools act) how is it that you and I show our support of those teachers? And, you know what, that's not where the real responsibility lies. Pat and I tell the teachers of our children that they're right. And, even if they're wrong, our children have the obligation to be smart enough to figure out how to get along in that classroom so 28 other people's education isn't interrupted. And, until we start giving them that kind of support then let's don't look at teaching or the administration or the legislature. This is something that is the job of 5.4 million people. And if we can handle the Carnahan tragedy and if we can handle the flood of '93 then shame on us for not being able to handle this. Okay, this guy's writing is terrible.

On higher education -- taxpayers, legislators, governors, are working their heads off to try to fully fund higher education. Look what you've done with the A+ program, look what you've done with bright flight. Look what you've done in community colleges. You talk about neat, I didn't think that was possible when I came here in '79. You have done some remarkable things and we can do some more. And, I want you to keep trying. But, I do want to correct the thought process too. I've spoken on several university campuses and I've always dropped this bomb there but I want to drop it here today publicly too. I've asked a lot of people -- how many people are getting public assistance with your education? Well, unless they have a student loan or are getting a scholarship or something they don't raise their hand. There is a misunderstanding -- there is a misunderstanding. I've had to tell college group after college group after college group that you go out there and thank the person that's running the convenience store that may only have an eighth-grade education because they go to work every day and help pay for your education. And, we've lost the message someplace and it's got to get back. A lot of people think tuition is going through the roof. Not that we have an ungrateful group of students -- this group is capable of running the world. But, you know what, there's too few thank yous in this world especially to unrecognized taxpayers and voters. And that's one way to do it. I think a college student ought to walk out and tell that person thank you -- just ad hoc -- it would be fun. Now, you've been nice. Oh, don't forget, Schneider for judge.

Let me thank you for all of the hospitality and kindness that you've extended to me and my family over all these years. And, if you really want to thank me you just take good care of your family. That would be a great thank you. And, take care of this big family that we've got that have selected and sent you here. I've said it before, the flood of '93 just showed me something that totally amazed me. It was unbelievable to see the amount of strength that this state had. And, the respect and strength that I saw during Governor Carnahan's funeral. And, even now, Bob can feel it and I can feel it -- we can all feel it. There is a respect and reverence here that I hope that we can maintain because it's really going to be good for us. It's going to help us maintain the civility that we need. But, I also observed something that just amazed, because I'm ashamed to say it, even to my 52nd year I took it for granted. What we were thrown into was an unbelievable circumstance. And, the thing that caught all of us, and part of the strength of our state, was our constitution. I'd always had an admiration and respect for it but I'd never had an understanding of how it could perform. You and I are of a generation that has now seen it perform. So, protect it, improve it if we can, but I think you can rest easy at night -- this 200 years of democracy that we've lived through has us so well protected. And, all we have to do is protect it. Thank you and goodbye.

On motion of Senator DePasco, the Joint Session was dissolved and the Senate returned to the Chamber where they were called to order by President Maxwell.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 237-By Westfall.

An Act to repeal section 575.010, RSMo 2000, relating to offenses against the administration of justice, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 238-By Staples, Russell, Mathewson, Westfall, Yeckel, Johnson, Childers, Bentley, DePasco, Gibbons, Foster, Loudon, Gross and Wiggins.

An Act to repeal section 620.467, RSMo 2000, relating to the tourism supplement revenue fund, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

SB 239-By Stoll.

An Act to repeal section 167.645, RSMo 2000, relating to promotion of students, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 240-By Stoll and Bentley.

An Act to amend chapter 205, RSMo, by adding thereto four new sections relating to the family and community trust.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 7

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate,

or delivered each day to such other address as may be designated Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator DePasco offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 8

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred fifty dollars (\$850.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his or her office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Quick offered Senate Resolution No. 9, regarding Jerry Distler, New London, which was adopted.

Senator Quick offered Senate Resolution No. 10, regarding Bobby Wayne Allen, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senators Kinder and Quick offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the President Pro Tem and Co-Pro Tem of the Senate and the Speaker of the House appoint a committee of thirty-six members, one-half from the Senate and one-half from the House to cooperate in making all necessary plans and arrangements for the participation of the General Assembly in the inauguration of the executive officials of the State of Missouri on January 8, 2001; and that the joint committee is authorized to expend the necessary amount in making such plans and arrangements; with expenses to be paid from the joint contingent fund; and

BE IT FURTHER RESOLVED that the Administration Committee of the Senate and the Accounts Committee of the House of Representatives audit, allow and pay the expenses of the legislative participation of the inauguration and that the joint committee be authorized to cooperate with any other committees, officials or persons planning and executing the inaugural ceremonies keeping with the traditions of the great State of Missouri.

Senator Kinder requested unanimous consent of the Senate that the rules be suspended and that **SCR 1** be taken up for adoption, which request was granted.

On motion of Senator Kinder, **SCR 1** was adopted by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Childers
DePasco	Foster	Gibbons	Goode
Gross	House	Jacob	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bland	Johnson	Schneider--3
Absent with leave--Senator Scott--1		
Vacancies--3		

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 1**. Representatives Graham, Harlan, Farnen, Wilson 25, Seigfreid, Copenhaver, Scott, Linton, Kelley 47 and Ross.

COMMITTEE APPOINTMENTS

President Pro Tem Quick appointed the following committee pursuant to **SCR 1**: Senators Bentley, Carter, DePasco, Foster, Goode, Gross, House, Jacob, Johnson, Klarich, Rohrbach, Russell, Schneider, Sims, Singleton, Stoll, Westfall and Wiggins.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, his son, Daniel Jacob, Columbia; and Shay Frank Prince, Redlands, California; and Daniel and Shay Frank were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 10:30 a.m., Monday, January 8, 2001. SENATE
CALENDAR

THIRD DAY-MONDAY, JANUARY 8, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Schneider

SB 2-Schneider

SB 3-Schneider

SB 4-Wiggins, et al

SB 5-Wiggins, et al

SB 6-Wiggins, et al

SB 7-Scott

SB 8-Scott

SB 9-Caskey

SB 10-Caskey

SB 11-Russell

SB 12-Russell

SB 13-Russell

SB 14-Mathewson

SB 15-Mathewson

SB 16-Mathewson

SB 17-Staples

SB 18-Staples

SB 19-Goode

SB 20-Goode

SB 21-Goode

SB 22-Singleton

SB 23-Singleton

SB 24-Singleton

SB 25-Johnson

SB 26-Johnson

SB 27-Johnson and

Westfall

SB 28-Rohrbach

SB 29-Rohrbach

SB 30-Rohrbach

SB 31-DePasco, et al

SB 32-Kinder

SB 33-Kinder

SB 34-Kinder

SB 35-House

SB 36-Westfall, et al

SB 37-Westfall and Kinder

SB 38-Westfall, et al

SB 39-Klarich and Goode

SB 40-Klarich

SB 41-Kenney, et al

SB 42-Kenney

SB 43-Kenney

SB 44-Bentley

SB 45-Bentley

SB 46-Bentley

SB 47-Sims

SB 48-Sims

SB 49-Sims

SB 50-Childers

SB 51-Childers and

Russell

SB 52-Childers

SB 53-Bland

SB 54-Bland

SB 55-Bland

SB 56-Stoll, et al

SB 57-Stoll, et al

SB 58-Stoll

SB 59-Steelman, et al

SB 60-Steelman

SB 61-Steelman

SB 62-Carter and Bland

SB 63-Carter, et al

SB 64-Carter

SB 65-Gibbons

SB 66-Gibbons

SB 67-Gross

SB 68-Gross

SB 69-Gross

SB 70-Loudon

SB 71-Loudon

SB 72-Loudon

SB 73-Schneider

SB 74-Wiggins

SB 75-Wiggins

SB 76-Wiggins

SB 77-Russell

SB 78-Russell

SB 79-Goode

SB 80-Goode

SB 81-Goode

SB 82-Singleton

SB 83-Singleton

SB 84-Singleton

SB 85-Rohrbach

SB 86-Rohrbach

SB 87-Rohrbach

SB 88-Kinder

SB 89-Kinder

SB 90-Kinder

SB 91-Westfall

SB 92-Westfall

SB 93-Kenney

SB 94-Kenney

SB 95-Kenney

SB 96-Bentley

SB 97-Bentley

SB 98-Bentley

SB 99-Sims

SB 100-Childers

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and Bland

SB 195-Schneider and Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SJR 1-Schneider

SJR 2-Goode

SJR 3-Goode

SJR 4-Johnson

SJR 5-Childers

SJR 6-Childers

SJR 7-Bland

SJR 8-Steelman

SJR 9-Goode, et al RESOLUTIONS

HCR 2-Crump (Kenney)

HCR 3-Crump (DePasco)

Journal of the Senate

FIRST REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 8, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"David praised the Lord...Yours Oh Lord is the greatness and the power and the glory and the majesty and the splendor, for everything in heaven and earth is yours." (I Chronicles 29:10a, 11)

Gracious Lord, we thank You that we are here to work and celebrate an important day for the people of Missouri. We rejoice for the work we have to do here in the Senate and in finding avenues of cooperation with our new Governor and the Executive Branch. Guide us in our deliberations, our decisions and our play this long day and may we, like David, give You praise for all You have provided and done for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 4, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators--None			
Vacancies--3			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 11, regarding the Sixtieth Wedding Anniversary of Mr. And Mrs. Samuel Salamon, Crystal City, which was adopted.

Senator Singleton offered Senate Resolution No. 12, regarding Wally and Cecilia Wallraven of Contract Freighters, Incorporated, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 13, regarding Beverly A. DeMasters, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 14, regarding Bob and Beverly Mann, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 15, regarding Stan Gootee, Joplin, which was adopted.

Senator Singleton offered Senate Resolution No. 16, regarding Mike Walters, Joplin, which was adopted.

Senator Wiggins offered Senate Resolution No. 17, regarding Andrew Gabriel Turner, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 18, regarding Zachary Koenig Tyrl, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 19, regarding Grant Thomas Keyser, Kansas City, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the following Representatives have been appointed to act with a like committee from the Senate pursuant to SCR 1. Representatives Farnen, Kreider, Abel, Crump, Foley, Thompson, Barry, Boykins, Hagan-Harrell, Johnson (90), Fraser, Hanaway, Naeger, Shields, Luetkemeyer, Reinhardt and Legan.

Senator DePasco moved that the Senate recess and the Senators repair to the Rotunda of the Capitol where they will meet the House of Representatives in Joint Session to witness the inauguration of the newly elected Governor Bob Holden, and receive his message, which motion prevailed.

JOINT ASSEMBLY

The Senate and the House of Representatives met in Joint Assembly on the steps of the Capitol and President Pro Tem Quick called the Joint Assembly to order.

Governor-elect Bob Holden and Governor Roger Wilson were conducted to their places on the Inaugural Platform by the Legislative Inaugural Committees of the 91st General Assembly.

Welcome was extended by the Honorable Ronnie L. White, Judge of the Supreme Court.

Robert Lee Holden III and John D. Holden lead the audience in the Pledge of Allegiance to the Flag.

The Honorable Glenn A. Norton, Chief Legal Counsel to Governor Bob Holden sang the National Anthem.

The Invocation was offered by Dr. James I. Spainhower, Missouri State Treasurer (1973-1981).

Remarks were made by the Honorable Thomas F. Eagleton, United States Senator (1969-1987).

United States Senator Jean Carnahan was introduced.

Congressman Richard A. Gephardt, Minority Leader of the U.S. House of Representatives was introduced.

Congressman Ike Skelton was introduced.

Congresswoman Karen McCarthy was introduced.

Congressman Samuel B. Graves, Jr., was introduced.

Congressman Roy Blunt was introduced.

Congresswoman Joann Emerson was introduced.

Congressman Kenny C. Hulshoff was introduced.

Former First Lady of Missouri, Betty Hearnese, was introduced.

Governor Roger Wilson was introduced.

First Lady Pat Wilson was introduced.

Edward E. Quick, President Pro Tem of the Missouri Senate, was introduced.

Peter D. Kinder, Co-President Pro Tem of the Missouri Senate, was introduced.

James Kreider, Speaker of the Missouri House of Representatives, was introduced.

The Chief Justice, William Ray Price, Jr., Judge Duane Benton, Judge Ann K. Covington, Judge John C. Holstein, Judge Stephen N. Limbaugh, Jr. and Judge Michael Wolff of the Missouri Supreme Court were introduced.

Secretary of State Bekki Cook was introduced.

State Auditor Claire McCaskill was introduced.

Judge Jeff W. Schaeperkoetter, Judge of the 20th Judicial Circuit Court, administered the oath of office to Attorney General Jeremiah W. (Jay) Nixon.

Judge Barbara W. Wallace, Judge of the 21st Judicial Circuit Court, administered the oath of office to State Treasurer Nancy Farmer.

Judge Duane Benton, Judge of the Supreme Court, administered the oath of office to Secretary of State Matt Blunt.

Judge Ronnie L. White, Judge of the Supreme Court, administered the oath of office to Lieutenant Governor Joe Maxwell.

Reading of the Scripture was offered by The Reverend Maurice J. Nutt, C.Ss.R., D.Min., St. Alphonsus "Rock" Catholic Church.

Remarks were made by the Honorable Richard A. Gephardt, Democratic Leader, United States House of Representatives.

The Statewide Inaugural Choir, sang a Patriotic Medley.

The Honorable Calvin R. Holden, Judge of the 31st Judicial Circuit, was introduced.

The oath of office was administered to Governor-elect Bob Holden by Judge Holden. Immediately after administration of the oath, military honors were rendered to Governor Holden with the firing of a nineteen gun salute by First

Battalion, 129th Field Artillery, MOARNG, Independence, Missouri.

There was a Flyover by four F-15 Fighter Jets, 131st Fighter Wing, MOANG, Lambert Field, St. Louis.

Governor Holden delivered his Inaugural Address.

GOVERNOR HOLDEN'S INAUGURAL SPEECH

January 8, 2001

Today we observe the beginning of a new century. But more importantly, we bear witness to the beginning of a new vision: one bright future, one Missouri.

Only three short months ago, Missourians stood together with the Carnahan and Sifford families in their hour of need. The power of our shared grief made us all stronger.

Thank you, Jean, for the grace you have shown during these difficult days. You have made all of us proud.

Through these challenging times, we have supported our new Governor as he carried out his duties with honor and dignity. His compassion and good humor have lifted our spirits. Thank you, Governor Wilson, for your leadership.

As we reflect on these events, we realize that sometimes it's in the worst of times that we discover the best in ourselves. We came together and moved Missouri forward.

That same power that brought us forward in sorrow can now bring us forward in success. The power of shared common goals can break down any walls that separate us, whether those walls are constructed from personal ideology, special interests, or regional concerns.

The dawn of this new day brings new hopes and new beginnings. Today our dawn has come...the awakening of a new century and a better Missouri.

Our past sunsets have brought us a multitude of gifts. We have unlimited resources--a central location, two international cities, two magnificent rivers, rich farmland, an evolving life sciences corridor, and one of the most talented and productive workforces in the world. These resources and the excellent leadership of the past eight years have carried us far.

Missourians are safer, healthier, and better educated than at any time in our history.

But we cannot...we must not...rest on these accomplishments. Our prosperous past only holds meaning for Missouri if we fulfill our potential for a glorious future.

As we begin this first administration of a new century, I call on all Missourians to reach new heights. Do we have the will? Will we have the courage? Can we summon the imagination to lead?

Missourians of the past have provided the example for us to follow. We live in a state that has produced pioneers such as Harry Truman, George Washington Carver, and Phoebe Apperson Hearst. A state that built the first mile of interstate highway and established the nation's first kindergarten. A state that educated a young woman named Linda Godwin in rural Missouri and sent her into space.

Our history has prepared us...Almighty God has blessed us...with the opportunity to make a difference.

In the words of the famous poet Robert Frost, it is time Missouri took "the road less traveled by" and that will make "all the difference" for our future generations.

With this shining new century, let us think anew. Let us dream anew. Let us build anew.

The ideas, principles, and progress of our past architects have provided a solid foundation. Now we must build a Missouri that we will be proud to pass on to the generations to come. One Missouri that supports the most vulnerable citizens--our young, our poor, our sick, and our elderly. One Missouri that offers the opportunities for our Missouri families and businesses to grow. One Missouri that gives all our citizens the chance to succeed.

Our one Missouri will find its character in our resolve to foster healthy bodies, strong minds, and respect for each other...

its strength in our commitment to giving every child the best possible education...

its prosperity in fostering a well-trained and highly skilled work force.

Our one Missouri will find new prominence in the world marketplace by developing a broader transportation system that is second to none.

Our one Missouri will preserve its future for our families by protecting the environment.

However, the greatest barrier we have to building one Missouri is ourselves. We can no longer think in terms of urban vs. rural, black vs. white, Democrat vs. Republican, St. Louis vs. Kansas City, or the countless other interests that seek to divide us. We must come together to find common ground.

It is time Kansas City and St. Louis realize they live in the same state. These two urban titans must work together to make Missouri competitive in the global marketplace of a new century.

It is time our rural communities and urban centers work together for the good of all our citizens. It is time we judge people by the "content of their character," not by "the color of their skin."

It is time we respect all people--paying respect to the integrity of their views, even if we disagree with the substance of their policies. For we are one Missouri--one bright future.

One of my personal heroes in public service, Robert Kennedy, was fond of quoting English writer George Bernard Shaw, who said: "Some men see things as they are and ask why. I dream things that never were and ask why not."

Over the next four years, this administration will continue to dream of those possibilities and dare to ask "why not." We will set our sights on what can be, not what has been.

This administration will lead by example, guided by the principles instilled in me by my parents, my teachers, my heroes, and my family.

Those principles taught me that this administration should never be about any one person--it is about all of us. As a young boy growing up on a farm in southern Missouri, I had parents I love and respect more than they will ever realize.

They believed each generation bears a responsibility to both the generation past and the generation to come. So to our seniors and our children, let me say: my administration will work for you.

As a student who started in a one-room schoolhouse and became the first in my family to graduate from a state university, I was fortunate to learn at the hands of excellent teachers who unlocked doors to opportunity with the knowledge they gave me. Our second son is named for one of those teachers. My administration values those teachers and the future minds they will mold. My administration is for them.

As a college student inspired by heroes such as Robert Kennedy, who sacrificed his life on behalf of a better life for others, I dedicated my life to public service. My administration is for all public servants who believe they can make a difference.

As a partner to my wife Lori and father to our sons, Robert and John D., I have found that nothing is more important than shaping a world where families can share bonds of love and success. To our Missouri families, let me say: we are families who share common backgrounds and uncommon opportunities.

And I will use that knowledge and understanding we have been given to improve Missouri for all families. My administration is for you.

The goal of my administration is to unite all Missourians in forging a bright future that holds maximum opportunities for each of us. I understand your concerns, and I share your aspirations.

I was born in Kansas City, raised on a farm in south central Missouri near a town called Birch Tree, represented Springfield in the Missouri General Assembly, worked in St. Louis, and am glad to be able to say that for the next four years we can continue to call Jefferson City our home.

Yet no matter where I have lived or worked, no matter what the regional interests or issues, I have seen one common conviction that all Missourians share: a faith in our capacity to do better.

This optimism and determination have brought us far in the past, and I believe they can propel us to greatness in the future. The world witnessed such optimism and determination from Great Britain during World War II. At that time, when this island nation was fighting alone to keep freedom alive, the British people were inspired by the new leadership of Sir Winston Churchill. As he stepped forward to assume the role of Prime

Minister, Sir Winston said: "I felt as if I were walking with destiny and that all my past life had been but a preparation for this hour."

History holds many lessons, and this chapter certainly sends a powerful message to us today. If unity of the human spirit can lift a people to triumph in a time of such turmoil, just think...just think what we can accomplish if our hands, our hearts, and our minds are joined in this time of unparalleled opportunity.

Our past has prepared us for this hour, and from this day forward, we will direct its destiny. We have the vision and the passion to make this our "finest hour," as we embark on a journey of opportunities. Let us take that journey together. With your help and with God as our compass...let us meet the responsibilities that lie ahead.

Let us walk confidently into the 21st century and make it Missouri's century. Let our legacy be one bright future--one Missouri.

Thank you.

The Statewide Inaugural Choir sang.

The Benediction was pronounced by Rabbi Susan Talve, Central Reform Congregation, St. Louis, Missouri.

The audience remained standing, and Governor Holden was escorted from the platform by the Legislative Inaugural Committee.

Co-President Pro Tem of the Senate, Senator Peter D. Kinder, adjourned the Joint Session of the 91st General Assembly.

On motion of Co-President Pro Tem Kinder, the Joint Assembly dissolved and the Senators returned to the Chamber where they were called to order by President Maxwell.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 241-By Rohrbach.

An Act to repeal section 375.355, RSMo 2000, relating to insurance companies, and to enact in lieu thereof one new section relating to the same subject.

SB 242-By Kenney.

An Act to repeal section 166.300, RSMo 2000, relating to capital improvement funds for elementary and secondary schools, and to enact in lieu thereof eight new sections relating to the same subject.

SB 243-By DePasco.

An Act to repeal section 82.300, RSMo 2000, relating to city ordinances, and to enact in lieu thereof one new section relating to the same subject.

SB 244-By Staples.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to theft of motor fuel.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Peter N. Brown, Republican, 585 Country Club Drive, Four Seasons, Camden County, Missouri 65049, as a member of the Tourism Commission, for a term ending January 15, 2003, and until his successor is duly appointed and qualified; vice, Daniel R. Keller, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda L. Duffy, Republican, 1811 Woodrail Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Derrick L. Driemeyer, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Manuel T. Pacheco, Ph.D., 1900 South Providence Road, Columbia, Boone County, Missouri 65203, as a member of the Midwestern Higher Education Commission, for a term ending January 15, 2001, and until his successor is duly appointed and qualified; vice, Dr. John Park, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Consuelo "Connie" Washington, Democrat, 4445 Floriss Place, St. Louis City, Missouri 63115, as a member of the Tourism Commission, for a term ending January 15, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Laurel A. Bondi, D.P.M., 405 Myrtle, Belton, Cass County, Missouri 64012, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George V. Boyle, 706 Wildwood Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until his successor is duly appointed and qualified; vice, Eleanor Schwartz, resigned.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 8, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ernie Brown, 109 Groce, Post Office Box 19, Delta, Cape Girardeau County, Missouri 63744, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, David Zimmerman, term expired.

Respectfully submitted,

ROGER B. WILSON

Governor

Also,

January 5, 2001

REORGANIZATION PLAN

for the

Division of Aging and the Department of Health

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the state of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit the Division of Aging and Department of Health Reorganization Plan of 2001 (attachment A), which provides for the transfer of the Division of Aging from the Missouri Department of Social Services to the Missouri Department of Health.

Pursuant to Section 26.510 RSMo, said plan shall become effective by Executive Order 01-02, (attachment B) not sooner than August 28, 2001, unless it is disapproved.

ROGER B. WILSON

Governor

(Attachment A)

REORGANIZATION PLAN

GENERAL BACKGROUND

This plan would rename the current Missouri Department of Health to the Missouri Department of Health and Senior Services and incorporate the Division of Aging currently located within the Department of Social Services into the renamed department.

The Missouri Department of Health is responsible for protecting and promoting the health of the population of Missouri. This is carried out through the assessment of the population's health, identification of health threats and needs, development of policies and priorities, and the assurance of appropriate responses. We implement these core public health functions through collaborative relationships with public and private entities, communities and citizens.

The Division of Aging currently located in the Missouri Department of Social Services is charged with promoting, maintaining, improving, and protecting the quality of life and quality of care for Missouri's older adults and persons with disabilities so they may live as independently as possible with dignity and respect.

SPECIFIC DEPARTMENT STRUCTURE

The reorganized Department of Health and Senior Services will be directed by a Department Director who will have a Chief Operating Officer and two Deputy Directors that report directly to the Director. The Director through the Chief Operating Officer and these two deputies will be responsible for the management of the Department and administration of its programs and services. This includes daily operations and Departmental functions such as those listed below.

The Chief Operating Officer will support and provide oversight for the activities of:

- Operational Offices: *Personnel, Legal, Governmental Policy, Public Information, Training and Professional Development, Women's Health, Minority Health, Epidemiology, Emergency Response/Terrorism*
- Division of Administration: *Fiscal, Administrative and General Services support to all department units*
- Center for Community Development and Health Care Access: *Community development and enhancement of health care access*
- Center for Health Information Management and Evaluation: *Statistical support and health care assurance activities, information technology, technology research and development*

A Deputy Director will support and provide oversight for the activities of the Division of Senior Services and the Division of Health Standards and Licensure.

- Division of Senior Services: *Home and community services program and program of immediate assistance which provides support for older persons and persons with disabilities between the ages of 18 and 59, all of whom live at home. In addition, assistance for persons who encounter abuse, neglect or exploitation.*
- Division of Health Standards and Licensure: *Long term care facilities, health facility regulation, child care licensure, emergency medical services, controlled substance registration, and other institutional programs*

A Deputy Director will support and provide oversight for the activities of the health and public health functions of the Department of Health and

Senior Services.

- Center for Local Public Health Services: *Local public health system support*
- Division of Chronic Disease Prevention and Health Promotion: *Combats the major causes of premature death, illness, disability and medical costs*
- Division of Environmental Health and Communicable Disease Prevention: *Investigation of cause, origin, and method of transmission of communicable diseases and diseases caused by environmental hazards*
- Division of Maternal Child and Family Health: *Promotes optimal health by programs designed to meet the health care needs of families*
- Division of Nutritional Health and Services: *Nutritional services and support, population-based surveillance to determine the nutritional status of all Missourians*

OTHER RELATED ISSUES

In addition, the following change will occur by legislation and transfer.

- Using the same statutory model as the Board of Health, a **Board of Senior Services** will be created. Both Boards will advise the Director of the Department of Health and Senior Services on issues relating to their respective areas of expertise.

A Memorandum of Understanding will be developed between the current Department of Health and the Department of Social Services and carried forward to the renamed Department of Health and Senior Services and the Department of Social Services that will provide guidance for the smooth transition and maintenance of specific issues that impact staff and services of both departments.

These Memorandums will include, but not be limited to, issues relating to accounting, chain of command for interim reporting, contracts, data processing, FY02 budget to be transferred, if passed, grants, hiring, legal services, office space (including leasing, utilities, telecommunications, etc.), payroll, personnel and office resources, purchasing, SAM II, state cars, any collective bargaining agreements, vacancy management and warehousing issues.

(Attachment B)

EXECUTIVE ORDER

01-02

WHEREAS, the Missouri Department of Social Services is created pursuant to Chapter 660, RSMo; and

WHEREAS, the Division of Aging is created and established as a division of the Missouri Department of Social Services pursuant to Section 660.050 RSMo; charged with aiding, assisting and safeguarding the lives of the elderly and low-income disabled adults in this State; and

WHEREAS, the Missouri Department of Health is created pursuant to Chapter 192 RSMo, and charged with safeguarding the health of the people in this state; and

WHEREAS, the transfer of the Division of Aging from the Missouri Department of Social Services to the Missouri Department of Health will benefit the citizens of the state because many of the issues impacting Missouri's senior and disabled citizens are integrally related to health and nutrition; and

WHEREAS, the transfer of the Division of Aging from the Missouri Department of Social Services to the Missouri Department of Health will allow Missouri's seniors and disabled citizens to receive information and critical services from one administrative agency of state government; and

WHEREAS, the transfer of the Division of Aging from the Missouri Department of Social Services to the Missouri Department of Health will result in better integration, closer coordination and communication regarding health, nutrition and social services for Missouri's seniors and disabled citizens that will enhance care and treatment and assure that services are provided in an expedient manner; and

WHEREAS, as part of the transfer of the Division of Aging from the Missouri Department of Social Services to the Missouri Department of Health, there will be created a deputy department director of senior services and an advisory board for senior services. Each will work directly to enhance and elevate programs for Missouri's seniors and disabled citizens; and

WHEREAS, the Division of Aging and Department of Health Reorganization Plan of 2001 (attachment A) was not disapproved within sixty days of its submission to the First Regular Session of the 91st General Assembly.

NOW, THEREFORE, I, Roger Wilson, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of

the state of Missouri, do hereby order the Missouri Department of Social Services and the Missouri Department of Health to cooperate:

1. To transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending and other pertinent vestiges of the Division of Aging, by Type I, as defined under the Reorganization Act of 1974, to the Missouri Department of Health; and
2. To develop the mechanisms and processes necessary to effectuate the transfer of the Division of Aging to the Missouri Department of Health.
3. To implement all aspects of the Division of Aging and Department of Health Reorganization Plan of 2001 (attachment A).

This order shall become effective no sooner than August 28, 2001 unless disapproved within sixty days of its submission to the First Regular Session of the 91st General Assembly, and shall remain in effect until rescinded by the Governor.

(SEAL) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 5th day of January 2001.

/s/ Roger B. Wilson

Governor

ATTEST:

/s/ Rebecca McDowell Cook

Secretary of State

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, former State Senator, United States Representative Sam Graves, Tarkio; and Don and Richard Bedell, Sikeston.

Senator Johnson introduced to the Senate, his wife, Jean; their son, Rick, his wife, Kristy, and their children, Zack, Cazes and Ryan, Agency; and Larry Elder, St Joseph.

Senator Caskey introduced to the Senate, his wife, Kay, Butler; and Steffani Lyon, Harrisonville.

Senator DePasco introduced to the Senate, Chief Rick Easley, Deputy Chief Jim Corwin, Captain Cy Ritter and Major Vince McNerny, members of the Kansas City Police Department.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Sam Page, M.D., St. Louis.

Senator Rohrbach introduced to the Senate, Betty Kirchoff, Rhonda Meyer, and her daughters, Caitlin and Cameron, McGirk; and Paula Wolken, and her son, John, California; and Caitlin, Cameron and John were made honorary pages.

Senator Staples introduced to the Senate, former State Representative, Lester Patterson, Lee's Summit.

Senator Stoll introduced to the Senate, his wife, Kathy, Festus; and their daughter Laura Irelan, her husband Corey and their daughter, Maggie Allison, St. Louis; and Maggie was made an honorary page.

Senator Johnson introduced to the Senate, his daughter, Lindsey Minson and her husband Tim, Marble Hill; and Mary Elder, St. Joseph.

Senator Rohrbach introduced to the Senate, his sister, Ida Barry, Springfield; and Steven and Annette Barry, Fair Grove.

Senator Kenney introduced to the Senate, his wife, Sandi, Lee's Summit; and Steve and Roberta Miller, Blue Springs.

On motion of Senator Kenney, the Senate adjourned until 11:00 a.m., Tuesday, January 9, 2001.

SENATE CALENDAR

FOURTH DAY-TUESDAY, JANUARY 9, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Schneider

SB 2-Schneider

SB 3-Schneider

SB 4-Wiggins, et al

SB 5-Wiggins, et al

SB 6-Wiggins, et al

SB 7-Scott

SB 8-Scott

SB 9-Caskey

SB 10-Caskey

SB 11-Russell

SB 12-Russell

SB 13-Russell

SB 14-Mathewson

SB 15-Mathewson

SB 16-Mathewson

SB 17-Staples

SB 18-Staples

SB 19-Goode

SB 20-Goode

SB 21-Goode

SB 22-Singleton

SB 23-Singleton

SB 24-Singleton

SB 25-Johnson

SB 26-Johnson

SB 27-Johnson and

Westfall

SB 28-Rohrbach

SB 29-Rohrbach

SB 30-Rohrbach

SB 31-DePasco, et al

SB 32-Kinder

SB 33-Kinder

SB 34-Kinder

SB 35-House

SB 36-Westfall, et al

SB 37-Westfall and Kinder

SB 38-Westfall, et al

SB 39-Klarich and Goode

SB 40-Klarich

SB 41-Kenney, et al

SB 42-Kenney

SB 43-Kenney

SB 44-Bentley

SB 45-Bentley

SB 46-Bentley

SB 47-Sims

SB 48-Sims

SB 49-Sims

SB 50-Childers

SB 51-Childers and

Russell

SB 52-Childers

SB 53-Bland

SB 54-Bland

SB 55-Bland

SB 56-Stoll, et al

SB 57-Stoll, et al

SB 58-Stoll

SB 59-Steelman, et al

SB 60-Steelman

SB 61-Steelman

SB 62-Carter and Bland

SB 63-Carter, et al

SB 64-Carter

SB 65-Gibbons

SB 66-Gibbons

SB 67-Gross

SB 68-Gross and House

SB 69-Gross

SB 70-Loudon

SB 71-Loudon

SB 72-Loudon

SB 73-Schneider

SB 74-Wiggins

SB 75-Wiggins

SB 76-Wiggins

SB 77-Russell

SB 78-Russell

SB 79-Goode

SB 80-Goode

SB 81-Goode

SB 82-Singleton

SB 83-Singleton

SB 84-Singleton

SB 85-Rohrbach

SB 86-Rohrbach

SB 87-Rohrbach

SB 88-Kinder

SB 89-Kinder

SB 90-Kinder

SB 91-Westfall

SB 92-Westfall

SB 93-Kenney

SB 94-Kenney

SB 95-Kenney

SB 96-Bentley

SB 97-Bentley

SB 98-Bentley

SB 99-Sims

SB 100-Childers

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and

DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SJR 1-Schneider

SJR 2-Goode

SJR 3-Goode

SJR 4-Johnson

SJR 5-Childers

SJR 6-Childers

SJR 7-Bland

SJR 8-Steelman

SJR 9-Goode, et al

RESOLUTIONS

HCR 2-Crump (Kenney)

HCR 3-Crump (DePasco)

Journal of the Senate

FIRST REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 9, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Speak tenderly to Jerusalem and cry to her that she has served her term..." (Isaiah 40:2)

Heavenly Father, we are thankful for the joy and noise and celebration with which this week began. Today we speak tenderly and purposefully for now the work You have called us to do commands our attention. Help us ensure justice to the weak and care for the truly needy and walk with us this day and every day that we may follow the path You have set before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators--None			
Vacancies--3			
The Lieutenant Governor was present.			

RESOLUTIONS

Senators Gross and House offered Senate Resolution No. 20, regarding Rayford M. Pickett, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 21, regarding Ann Watkins Hazelwood, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 22, regarding Dr. Dennis Spellmann, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 23, regarding Phyllis Mercedes Sydnor Johnson, St. Charles, which was adopted.

Senator Bentley offered Senate Resolution No. 24, regarding Adam Bolyard, Springfield, which was adopted.

Senator Quick offered Senate Resolution No. 25, regarding Burt Canfield, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Kenney moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Kenney, **HCR 2** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Scott--1			
Vacancies--3			

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 245-By Caskey.

An Act to repeal sections 195.275, 217.760, 455.085, 513.653, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 569.025, 569.035, 570.040 and 571.015, RSMo 2000, relating to various sentencing provisions, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

SB 246-By Caskey.

An Act to repeal sections 374.700, 374.715 and 374.755, RSMo 2000, relating to the regulation and licensing of certain professions, and to enact in lieu thereof thirty-six new sections relating to the same subject, with penalty provisions.

SB 247-By Westfall and Staples.

An Act to repeal sections 226.540, 226.550 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

SB 248-By Wiggins and DePasco.

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

SB 249-By Wiggins.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to the collection of sales tax revenue on behalf of certain sports authorities.

SB 250-By Bentley and Johnson.

An Act to amend chapter 620, RSMo, by adding thereto two new sections relating to cultural tourism.

COMMITTEE APPOINTMENTS

President Pro Tem Quick and Co-President Pro Tem Kinder submitted the following committee appointments pursuant to **HCR 2**: Senators Bentley, Gibbons, Goode, Gross, House, Jacob, Klarich, Schneider, Steelman and Wiggins.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 251-By Kinder.

An Act to repeal section 37.130, RSMo 2000, relating to congressional redistricting, and to enact in lieu thereof two new sections relating to the same subject.

On motion of Senator Kenney, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 252-By Singleton.

An Act to authorize the conveyance of certain properties between the Missouri national guard and the city of Joplin.

SB 253-By Gross.

An Act to repeal section 516.097, RSMo 2000, relating to the statute of limitations on certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

SB 254-By Gross and Foster.

An Act to repeal sections 115.151, 115.155, 115.160 and 115.165, RSMo 2000, relating to elections, and to enact in lieu thereof three new sections relating to the same subject.

SB 255-By Gross, Russell, Foster and Loudon.

An Act to repeal sections 565.090 and 573.100, RSMo 2000, relating to improper communications, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 26, regarding Theodore Casey Skoklo, Dellwood, which was

adopted.

Senator Quick offered the following resolution:

SENATE RESOLUTION NO. 27

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 17th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rules 25 and 28 be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 7 members.
3. Committee on Agriculture, Conservation, Parks and Tourism, 11 members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, 13 members.
8. Committee on Elections, Veterans' Affairs and Corrections, 9 members.
9. [Committee on Ethics, 8 members.
- 10.] Committee on Financial and Governmental Organization, 9 members.
- [11.] **10.** Committee on Gubernatorial Appointments, 11 members.
- [12.] **11.** Committee on Insurance and Housing, 9 members.
- [13.] **12.** Committee on Judiciary, 9 members.
- [14.] **13.** Committee on Labor and Industrial Relations, 9 members.
- [15.] **14.** Committee on Local Government and Economic Development, 7 members.
- [16.] **15.** Committee on Legislative Research (statutory), 10 members.
- [17.] **16.** Committee on Pensions and General Laws, 7 members.
- [18.] **17.** Committee on Public Health and Welfare, 9 members.
- [19.] **18.** Committee on Rules, Joint Rules [and], Resolutions **and Ethics**, 9 members.
- [20.] **19.** Committee on State Budget Control, 9 members.
- [21.] **20.** Committee on Transportation, 9 members.
- [22.] **21.** Committee on Ways and Means, 11 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.
2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.
3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.
4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.
5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.
6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.
7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.
8. The Committee on Elections, Veterans' Affairs and Corrections shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to elections, election law, and to military organizations and all matters touching on military and veterans' affairs and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.
9. [The Committee on Ethics shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, and shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted.
- 10.] **10.** The Committee on Financial and Governmental Organization shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.
- [11.] **10.** The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.
- [12.] **11.** The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

- [13.] **12.** The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.
- [14.] **13.** The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.
- [15.] **14.** The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.
- [16.] **15.** The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.
- [17.] **16.** The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.
- [18.] **17.** The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.
- [19.] **18.** The Committee on Rules, Joint Rules [and], Resolutions **and Ethics** shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, [and] shall **consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall** examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.
- The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.
- [20.] **19.** The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.
- [21.] **20.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.
- [22.] **21.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.".

CONCURRENT RESOLUTIONS

Senator Singleton offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 2

Disapproving the recommendation of the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 which created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the Missouri Citizen's Commission on Compensation for Elected Officials has recommended that salaries be increased for certain judges and has recommended cost-of-living salary increases for judges, state-wide elected officials and legislators; and

WHEREAS, the recommended cost-of-living increases are 5.5% for each of the next two years, at a time when the average annual inflation is less than 3.5%; and

WHEREAS, the recommended increases are substantially higher than the Governor's expected recommendation of a 2% cost-of-living adjustment for state employees; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 2001, unless disapproved by the General Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendation by a concurrent resolution approved by both the Senate and the House before February 1, 2001:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Ninety-first General Assembly, the House concurring therein, that the recommendations of the Missouri Citizen's Commission on the Compensation of Elected Officials be disapproved; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Bob Holden.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to HCR 2. Representatives Smith, Hosmer, Willoughby, Jolly, Britt, Walton, Shields, Richardson, Secrest and Lograsso.

Also, the Speaker has appointed the following escort committee for the Senators. Representatives Lowe, Reynolds, Haywood, Berkowitz, Koller, Kelly (36), Hohulin, Vogel, Hegeman and Champion.

INTRODUCTIONS OF GUESTS

On behalf of Senator Caskey and himself, Senator Mathewson introduced to the Senate, the

Physician of the Day, Dr. Marla J. Tobin, M.D., Warrensburg.

Senator Singleton introduced to the Senate, Deborah Frye and Annetta and Ed St. Clair, Joplin; and Trent Dobrauc, Carthage.

Senator Staples introduced to the Senate, his granddaughter, Rachel Staples, Eminence; and Shannon Lee, Farmington.

Senator Bland introduced to the Senate, Christopher, Joshua and Adrian Gibbs and Dorothy Lynn, Kansas City; and Christopher and Joshua were made honorary pages.

Senator Foster introduced to the Senate, his daughter, Karmen, Poplar Bluff; his brother, Donald Foster and his wife, Melba, Piggott, Arkansas; and Ray and Eiz Roland and Tila Edwards, Dexter.

On motion of Senator DePasco, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTH DAY-WEDNESDAY, JANUARY 10, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Schneider

SB 2-Schneider

SB 3-Schneider

SB 4-Wiggins, et al

SB 5-Wiggins, et al

SB 6-Wiggins, et al

SB 7-Scott

SB 8-Scott

SB 9-Caskey

SB 10-Caskey

SB 11-Russell

SB 12-Russell

SB 13-Russell

SB 14-Mathewson

SB 15-Mathewson

SB 16-Mathewson

SB 17-Staples

SB 18-Staples

SB 19-Goode

SB 20-Goode

SB 21-Goode

SB 22-Singleton

SB 23-Singleton

SB 24-Singleton

SB 25-Johnson

SB 26-Johnson

SB 27-Johnson and

Westfall

SB 28-Rohrbach

SB 29-Rohrbach

SB 30-Rohrbach

SB 31-DePasco, et al

SB 32-Kinder

SB 33-Kinder

SB 34-Kinder

SB 35-House

SB 36-Westfall, et al

SB 37-Westfall and Kinder

SB 38-Westfall, et al

SB 39-Klarich and Goode

SB 40-Klarich

SB 41-Kenney, et al

SB 42-Kenney

SB 43-Kenney

SB 44-Bentley

SB 45-Bentley

SB 46-Bentley

SB 47-Sims

SB 48-Sims

SB 49-Sims

SB 50-Childers

SB 51-Childers and
Russell

SB 52-Childers

SB 53-Bland

SB 54-Bland

SB 55-Bland

SB 56-Stoll, et al

SB 57-Stoll, et al

SB 58-Stoll

SB 59-Steelman, et al

SB 60-Steelman

SB 61-Steelman

SB 62-Carter and Bland

SB 63-Carter, et al

SB 64-Carter

SB 65-Gibbons

SB 66-Gibbons

SB 67-Gross

SB 68-Gross and House

SB 69-Gross

SB 70-Loudon

SB 71-Loudon

SB 72-Loudon

SB 73-Schneider

SB 74-Wiggins

SB 75-Wiggins

SB 76-Wiggins

SB 77-Russell

SB 78-Russell

SB 79-Goode

SB 80-Goode

SB 81-Goode

SB 82-Singleton

SB 83-Singleton

SB 84-Singleton

SB 85-Rohrbach

SB 86-Rohrbach

SB 87-Rohrbach

SB 88-Kinder

SB 89-Kinder

SB 90-Kinder

SB 91-Westfall

SB 92-Westfall

SB 93-Kenney

SB 94-Kenney

SB 95-Kenney

SB 96-Bentley

SB 97-Bentley

SB 98-Bentley

SB 99-Sims

SB 100-Childers

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and

DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SJR 1-Schneider

SJR 2-Goode

SJR 3-Goode

SJR 4-Johnson

SJR 5-Childers

SJR 6-Childers

SJR 7-Bland

SJR 8-Steelman

SJR 9-Goode, et al RESOLUTIONS

SR 27-Quick

HCR 3-Crump (DePasco) To be Referred

SCR 2-Singleton

Journal of the Senate

FIRST REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 10, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"All the Nations of the earth...shall fear and tremble because of all the good and all the prosperity I provide..."(Jeremiah 33:9)

Gracious God, we thank You for broadening our outlook and helping us to see the good we can do beyond our senatorial districts. Help us to see the blessings You bestow to the people of this state and nation and help us to ensure all our citizens prosper because of them. Walk with us this day and let us know of Your presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

Absent with leave--Senator Scott--1

Vacancies--3

The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 28, regarding Belinda Davis, Belton, which was adopted.

Senator Schneider offered Senate Resolution No. 29, regarding Nicholas Clay "Nick" Hughtett, St. Louis, which was adopted.

Senator Bentley offered Senate Resolution No. 30, regarding the death of William M. "Mike" Walker, M.D., Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 31, regarding the death of Betty Wessel, Springfield, which was adopted.

Senator Quick moved that **SR 27** be taken up for adoption, which motion prevailed.

Senator Quick offered **SS** for **SR 27**:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 27

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 17th District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rules 25 and 28 be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 7 members.
3. Committee on Agriculture, Conservation, Parks and Tourism, 11 members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, 13 members.
8. [Committee on Elections, Veterans' Affairs and Corrections, 9 members.
9. Committee on Ethics, 8 members.
- 10.] Committee on Financial and Governmental Organization, **Veterans' Affairs and Elections**, 9 members.
- [11.] **9.** Committee on Gubernatorial Appointments, 11 members.
- [12.] **10.** Committee on Insurance and Housing, 9 members.
- [13.] **11.** Committee on Judiciary, 9 members.
- [14.] **12.** Committee on Labor and Industrial Relations, 9 members.
- [15.] **13.** Committee on Local Government and Economic Development, 7 members.
- [16.] **14.** Committee on Legislative Research (statutory), 10 members.
- [17.] **15.** Committee on Pensions and General Laws, 7 members.
- [18.] **16.** Committee on Public Health and Welfare, 9 members.
- [19.] **17.** Committee on Rules, Joint Rules [and], Resolutions **and Ethics**, 9 members.
- [20.] **18.** Committee on State Budget Control, 9 members.
- [21.] **19.** Committee on Transportation, 9 members.

[22.] **20.** Committee on Ways and Means, 11 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. [The Committee on Elections, Veterans' Affairs and Corrections shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to elections, election law, and to military organizations and all matters touching on military and veterans' affairs and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Ethics shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, and shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted.

10.] The Committee on Financial and Governmental Organization, **Veterans' Affairs and Elections** shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. **The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to redistricting, election law and to military organizations and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.**

[11.] **9.** The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

[12.] **10.** The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

[13.] **11.** The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

[14.] **12.** The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[15.] **13.** The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

[16.] **14.** The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

[17.] **15.** The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

[18.] **16.** The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

[19.] **17.** The Committee on Rules, Joint Rules [and], Resolutions **and Ethics** shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, [and] shall **consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall** examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

[20.] **18.** The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

[21.] **19.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[22.] **20.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes

and gaming.".

Senator Quick moved the above substitute resolution be adopted.

At the request of Senator Quick, **SR 27**, with **SS** (pending), was placed on the Calendar.

Senator DePasco moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable William Ray Price, Jr., which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
Absent--Senators			
Loudon	Singleton--2		
Absent with leave--Senators			
Johnson	Scott--2		
Vacancies--3			

On roll call the following Representatives were present:

Present--Representatives			
Abel	Baker	Ballard	Barnett
Barnitz	Barry (100)	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser
Black	Boatright	Bonner	Boucher
Bowman	Boykins	Bray (84)	Britt
Brooks	Burcham	Burton	Byrd
Campbell	Carnahan	Cierpiot	Coleman
Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Davis (122)
Dempsey	Dolan	Enz	Fares
Farnen	Foley	Ford	Franklin
Fraser	Froelker	Gambaro	Gaskill
George	Graham	Gratz	Green (15)
Green (73)	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hilgemann	Hohulin	Holand
Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson (61)	Johnson (90)
Jolly	Kelley (47)	Kelly (144)	Kelly (27)
Kelly (36)	Kennedy	King	Klindt

Koller	Lawson	Legan	Levin
Liese	Linton	Lograsso	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh
May (149)	Mayer	Mays (50)	McKenna
Merideth	Miller	Monaco	Moore
Murphy	Myers	Naeger	Nordwald
O'Connor	Ostmann	O'Toole	Overschmidt
Phillips	Portwood	Purgason	Ransdall
Rector	Reid	Reinhart	Relford
Reynolds	Richardson	Ridgeway	Rizzo
Roark	Robirds	Ross	Scheve
Schwab	Scott	Secrest	Selby
Shelton	Shields	Shoemyer	Skaggs
Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	VanZandt
Villa	Vogel	Walton	Wiggins
Williams	Willoughby	Wilson (25)	Wilson (42)
Wright	Mr. Speaker--154		
Absent and Absent with Leave--Representatives			
Champion	Clayton	Dougherty	Long
Patek	Seigfreid	Wagner	Ward--8
Vacancies--1			

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, William Ray Price, Jr., escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

State of the Judiciary 2001

Chief Justice William Ray Price, Jr.

January 10, 2001

Mr. Speaker. Mr. President. Members of the General Assembly.

On behalf of the judges of the state of Missouri, it is a pleasure and an honor to deliver this 28th State of the Judiciary address.

At the outset, let me commend you, both members of the House and members of the Senate, for resolving your issues of leadership. I am certain that each side had hoped for more and that each side had clever strategies in place in the event compromise was not reached. But, you were right to take the high road and to avoid the partisan chicanery that so tires our people. Centuries ago, Sir Francis Bacon noted that:

Nothing doth more hurt in a state than that cunning men pass for wise.

You acted with wisdom and dignity befitting the high honor of the House and of the Senate. I commend you.

Now, just the second day after our inauguration ceremonies, the sense of a new beginning is overwhelming. New faces and new dreams; all in hopes of a brighter future for the people of Missouri. You have the important task of charting the path for our government and people to follow.

Our role in the courts, though equally important, is much more limited. We resolve disputes. We have no power until litigants come to us with a real controversy. When they do, we are not free to choose any resolution. We are first bound to honor our national and our state constitutions. We then follow the laws that you enact. We attempt to do this as fairly and as faithfully as we can, reading the words you chose as simply and accurately as possible. We are not free to do what we might think is best otherwise, nor are we free to do what we might think you meant otherwise. We may only follow the words of the statutes as you have actually written them.

I know some of you are wondering why I am taking time to say this. But, sometimes it is best to say, out loud, the important rules we live by, so there is no confusion between you and us. It is our desire as judges simply to follow and interpret the laws of Missouri, not to chart new paths on our own. That is what the people elect you to do. Your duty in this regard deserves the highest care both in your thoughts and your words.

I am pleased to report to you that the wisdom of the Missouri Plan for merit selection of appellate judges, again, leads the nation. While contested elections in Michigan, Ohio, and Mississippi involved the expenditures of millions and millions of dollars of special interest money, one Missouri Supreme Court judge and three judges of our Court of Appeals were retained without a penny of fund raising or expenditure and without a single negative advertisement.

The Missouri Plan has also shown its value in the diversification of our appellate courts. Our past four appointments--Sherrie Sullivan, Thomas Newton, George Draper, and Ron Holliger--include two African American men and a woman.

Let me be clear. The Missouri Plan is the example to the nation of the best method for selecting appellate judges. It deserves our continued respect and protection.

We at the Supreme Court are sad that Ann Covington is resigning at the end of this month. As the first woman to serve on our Court of Appeals and Supreme Court, she has played a pivotal role in the history of this state. She played that role with dignity and grace. We will miss her.

We have confidence that the Missouri Plan will serve us well in selecting her successor, but you should note that this is the second judge of the Supreme Court in the past three years to leave the court prematurely to return to the private sector. Last year, Judge Albert Riederer left the Court of Appeals to do the same. These actions speak louder than any words I can say.

As I said before, our core function is to decide lawsuits. For better or for worse, the people of Missouri are still turning to the courts for the resolution of their controversies in great numbers. Last year, approximately 962,000 new cases were filed. Our courts resolved approximately 917,000 cases. We continue to focus on timely resolution of the lawsuits brought before us, and we continue to transfer judges around the state to equalize caseloads.

I am pleased to report that again:

We disposed of 80% of civil cases within 18 months;

We disposed of 91% of domestic cases within 12 months;

We disposed of 85% of associate civil cases in 6 months

and 94% within 12 months; and

We disposed of 85% of circuit court felony cases within 8 months.

Unlike many other states, there are no massive backlogs in our courts and Missouri litigants are able to obtain trial dates as they are needed. We are grateful to the hardworking judges across the state who make this possible. We are also grateful to you for providing the necessary resources for us to do our work.

Last year, I spoke to you about two areas of priority that we would focus on in our administrative capacity, court automation and drug courts. I am pleased to report to you that significant progress was made in both of these areas.

This past calendar year, the Missouri Court Automation Project more than doubled the number of circuit courts in the state benefiting from its case management system. As of today, 15 judicial circuits, consisting of 32 counties, the Supreme Court, and all three districts of the Court of Appeals are now online. During the remainder of this fiscal year we plan to add six additional judicial circuits including 16 counties in the southeastern portion of the state. By July 1, 2001, almost 41% of our caseload and almost 50% of our citizens will have access to the benefits of court automation.

We have kept our promise to use new monies to roll out court automation across the state as quickly as possible. It is crucial that this project be completed.

In the next fiscal year, we plan to add another ten judicial circuits consisting of 27 additional counties: Scotland, Schuyler, Clark, Carroll, Ray, Randolph, Howard, Lafayette, Saline, Benton, Dallas, Hickory, Polk, Webster, Atchison, Gentry, Holt, Nodaway, Worth, Linn, Chariton, Sullivan, St Louis County probate division, Jefferson, Henry, St. Clair, and Bates. This will increase the benefits of automation to 55% of Missouri's caseload and 76% of Missouri's population. To stop this project halfway, having favored many of our counties, but leaving the others out, would be unthinkable and most likely irreversible.

The usefulness of court automation extends beyond mere judicial record keeping and affects the lives of our citizens in very real ways. In Fulton, Missouri, we developed a pilot site linking an elementary school, a middle school, and a high school to the courts and to the local juvenile officer. The system allows the immediate online exchange of juvenile court and protective custody information, as well as the names of students who have received detention, tardiness, truancy notices, and incident reports.

The need for such a system was quickly apparent. A student moved from Boone County to Fulton without telling her juvenile officer. A school guidance counselor made an inquiry and within 10 minutes learned that the student had a scheduled court appearance for the next day. Without the pilot project, the student would have missed the court appearance and would have gotten into even worse trouble.

Another example of the need for a statewide system of court automation also comes from Callaway County. A mother there was hospitalized with no one to care for her 14-year-old son. The boy was placed in a foster care home so that he could be provided for safely. The home included several other young children. What was not known was that the 14-year-old boy was accused in another county of allegedly sexually molesting children. The failure to have a statewide computer system linking court to court and court to juvenile officer allowed for well-meaning state employees to create a very dangerous situation for the children already in that home. We all need the Missouri Court Automation program to go forward.

Another area of important progress in the past year has been drug courts. As you recall, drug courts provide treatment to non-violent offenders under intense judicial supervision, most often as an alternative to incarceration. We now have 22 adult felony drug courts, 7 juvenile drug courts, and 2 family drug courts. Another 21 adult drug courts, 7 juvenile drug courts, and 6 family drug courts are in the planning stage. Twenty-eight additional counties are considering drug court programs.

The benefits of drug court programs relative to their cost is clear and compelling. As of July 1, 2000, 1147 individuals graduated from Missouri drug courts at an average cost to the state of \$5,042 a person. The recidivism rate for these individuals was about 5%. The cost of incarceration for these individuals would have been at least \$12,700 a year. The recidivism rate for drug offenders who have not graduated from drug court is about 45%.

Listen to those numbers again: \$5,042 a year for drug court compared to \$12,700 a year for incarceration; 5% recidivism rate for drug court graduates compared with a 45% recidivism rate otherwise. If you have to think twice, consider this. Twenty-five drug free babies were born to drug court participants. Estimated hospital savings for those new babies begin at \$4,300 per child. But, how can you even begin to value the hope that now can exist for these new lives?

Just two weeks ago associate circuit Judge Patricia Joyce from here in Jefferson City sent me a copy of a letter she received from one of her drug court graduates. The letter was titled "Gratitude". Let me read parts of that letter to you.

As this year is coming to an end, I have looked back to where I started....I was once again full blown into my addiction...with the same results jail or D.O.C....But by the grace of God my cry for help was answered....I was given the opportunity to receive help for my addiction instead of being locked away as I have [been] so many times before....I could go on forever...to express my gratitude for the people in my life to this day [who] have helped me change from criminal activity to a responsible citizen....I know I have a long way to go and...the road...will be hard....I am very thankful for having this opportunity to start living again...

The author of this letter is now gainfully employed and plans to enroll in college this coming semester.

Drug courts are one of the rare opportunities in government where the least expensive alternative works the best to truly help people in need. We again ask that you support this program.

We again ask that you coordinate the disjointed method of funding this important work so that it can be administered as efficiently and as effectively as possible.

There is one other area of work that I did not speak about last year, that I need to talk about now. It concerns our attempt to speed up the process for the permanent placement of our children who are in foster care.

When it is so dangerous to leave a child with his or her natural parents that the state must intervene and remove the child, then it is the state's obligation to determine what to do with that child as quickly as possible. Although we owe our deepest thanks to those individuals who serve as foster parents, leaving the child in an endless legal morass of foster care is not the answer.

Three years ago, we initiated two pilot projects to see if we could shorten the time to adjudicate permanent placement for these children. One pilot project was in the 2nd judicial circuit under the supervision of Judge Russell Steele. The other was in the 23rd judicial circuit under the supervision of associate circuit Judge Carol Bader. We learned that with aggressive case management and close judicial supervision we could reduce a child's stay in foster care by an average of 105 days, at a savings of \$25 a day per child.

We would like to expand these pilot projects into 5 additional circuits. We have shown that any dollars committed to speeding our foster children to new permanent homes will repay themselves many times over. And, of course, it is the right thing to do for our most unfortunate children.

This is the only opportunity I have to address you as a body for the coming session. Although there are many other matters I could talk about, I have limited my remarks to those that I believe are most important for you to hear. Matters that I believe are most important for the people of Missouri.

I would like you to remember that we are performing our core function timely and well. We do not want to slide backwards into massive backlogs that would delay, and in some cases deny, our citizens access to the courts for the resolution of their disputes.

In our administrative capacity, we attempt to focus upon those matters that are of crucial importance and that have the promise of improved usefulness and efficiency.

One of those areas is statewide court automation. Our new system is working. The project is halfway done. We cannot stop rollout now.

Another is drug courts. They make moral and fiscal sense. They need to be expanded both geographically to new counties and to family and juvenile settings. Funding needs to be coordinated and administered to assure the greatest possible efficiency and effectiveness.

Finally, we need to improve the manner in which we care for our children who have been removed from their natural homes. Resources are needed to expand our two pilot sites into 5 additional counties.

I know that this will be a very difficult year for the state's budget. Everyone will be coming to you with worthwhile programs, all seeking the same money. Please remember, justice is not a luxury to be financed only in good times and cut back in bad times. Justice is the dream of our people that allows them to have faith in their government. It is no mistake, that its promise is how we end our pledge of allegiance.

Thank you. I wish you the very best in your service to the people of Missouri in this session of the General Assembly.

On motion of Senator Kenney, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by President Maxwell.

CONCURRENT RESOLUTIONS

Senators Gross, Russell, Wiggins and DePasco offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 3

WHEREAS, on May 14, 1804, at the request of President Thomas Jefferson, Meriwether Lewis and William Clark set out on an amazing expedition across the Louisiana Territory to explore the country west of the Mississippi by following the Missouri River to its headwaters in order to discover a water route to the Pacific Ocean; and

WHEREAS, Lewis and Clark faced unknown people, harsh conditions and unexplored lands to secure a place in history as two of the world's greatest explorers; and

WHEREAS, the Lewis and Clark Expedition was successful in not only discovering a westward river route to the Pacific, but also in mapping the new territory and describing previously unknown plant and animal life; and

WHEREAS, as a result of the expedition, claims were established to Oregon, Washington and Idaho, our knowledge of the land west of the Mississippi was greatly expanded and new opportunities were provided for settlement and trade along the Missouri River; and

WHEREAS, the bicentennial of the Lewis and Clark Expedition is approaching with towns along the expedition route planning festivals, parties and commemorations of the explorers that helped to shape their history:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby request the Department of Elementary and Secondary Education to develop a model curriculum for public school instruction concerning the Lewis and Clark Expedition which includes age-appropriate content for elementary and secondary grade levels and hereby request all school districts to include age-appropriate curriculum and instruction regarding the Lewis and Clark Expedition in regular courses of instruction beginning with the 2002-2003 school year; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Commissioner of Education and the President of the State Board of Education.

Senators Gross, Russell and DePasco offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

WHEREAS, the Flag of the United States of America is a unique symbol of our liberty, freedom and national unity; and

WHEREAS, millions of men and women have followed the Flag of the United States of America onto foreign shores and into battle with many of them giving their lives for that Flag; and

WHEREAS, the Supreme Court of the United States has ruled that it is not a violation of law to desecrate the Flag of the United States of America; and

WHEREAS, the Supreme Court of the United States has declared that the desecration of the Flag of the United States of America is only an expression of free speech protected by the Constitution of the United States of America; and

WHEREAS, Congress has provided federal protections by declaring certain property to be property of the federal government:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Congress of the United States to enact legislation declaring the Flag of the United States to be federal property; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 256-By Caskey.

An Act to amend chapter 644, RSMo, by adding thereto one new section relating to political subdivisions.

SB 257-By Caskey.

An Act to repeal sections 104.374 and 104.610, RSMo 2000, relating to retirement of certain state employees, and to enact in lieu thereof two new sections relating to the same subject.

SB 258-By Rohrbach and Schneider.

An Act to repeal sections 483.310 and 488.426, RSMo 2000, relating to court fees, and to enact in lieu thereof two new sections relating to the same subject.

SB 259-By Childers, Mathewson, Stoll, Johnson, Russell and Klarich.

An Act to repeal section 320.094, RSMo 2000, relating to fire protection, and to enact in lieu thereof three new sections relating to the same subject.

SB 260-By Gross and Stoll.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to claims against certain licensed professionals.

SB 261-By House.

An Act to amend chapter 1, RSMo, by adding thereto three new sections relating to the prohibition of interference with the free exercise of religion.

SB 262-By Stoll.

An Act to repeal section 170.011, RSMo 2000, relating to required instruction in government, history and institutions, and to enact in lieu thereof one new section relating to the same subject.

SB 263-By Stoll.

An Act to repeal section 169.070, RSMo 2000, and to enact in lieu thereof one new section relating to public school retirement system benefits.

SB 264-By Steelman.

An Act to repeal sections 104.312 and 104.1051, RSMo 2000, relating to judicial division of benefits, and to enact in lieu thereof two new sections relating to the same subject.

SB 265-By Schneider and Caskey.

An Act to repeal sections 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 2000, relating to administrative procedure, and to enact in lieu thereof three new sections relating to the same subject.

RESOLUTIONS

Senator Quick moved that **SR 27**, with **SS** (pending), be taken up for adoption, which motion prevailed.

SS for **SR 27** was again taken up.

Senator Kinder offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 27, Page 6, Rule 28, Line 8 of Rule 28, by striking the following "redistricting,".

Senator Kinder moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 27, Page 6, Rule 28, Line 8 of Rule 28, by striking the following "redistricting,"; and

Further amend said resolution, Rule 28, page 7, line 27, by inserting after all of said line the following:

"17. The Committee on Redistricting shall consider and report on all bills, resolutions and other matters referred to it relating to Congressional redistricting (Constitution, Article III, Section 45)."; and further amend said resolution by renumbering the remaining paragraphs accordingly.

Senator Klarich moved that the above substitute amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Resolution No. 27, Page 2, Rule 25, Line 15 of said page, by inserting after said line the following:

"17. Committee on Redistricting, 8 members."; and renumber the remaining paragraphs accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Kenney announced that photographers from Channel 17 had been given permission to take pictures in the Senate Chamber today.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Resolution No. 27, Rule 25, in lines numbered 3, 5, 6, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, and 20, by amending the number of members of all such committees to "7" members; and

Further amend line numbered "7" (education) to 9 members.

Senator Schneider moved that the above amendment be adopted, which motion failed.

On motion of Senator Quick, **SS** for **SR 27**, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Childers
DePasco	Foster	Gibbons	Goode
Gross	House	Kenney	Kinder
Klarich	Loudon	Mathewson	Quick
Russell	Schneider	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
NAYS--Senators			
Caskey	Jacob--2		
Absent--Senators			
Rohrbach	Sims	Singleton--3	
Absent with leave--Senators			
Johnson	Scott--2		
Vacancies--3			

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Co-Pro Tem Kinder.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 266-By Bland and Carter.

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a state systemic lupus erythematosus program in the department of health.

COMMITTEE APPOINTMENTS

President Pro Tem Quick submitted the following committee appointments:

ADMINISTRATION

Kinder, Co-Chair

Quick, Co-Chair

DePasco, Co-Vice-Chair

Singleton, Co-Vice-Chair

AGING, FAMILIES AND MENTAL HEALTH

Carter, Co-Chair

Sims, Co-Chair

Foster, Co-Vice-Chair

Johnson, Co-Vice-Chair

Bentley

Bland

Kinder

Wiggins

AGRICULTURE, CONSERVATION, PARKS AND TOURISM

Foster, Co-Chair

Johnson, Co-Chair

Caskey, Co-Vice-Chair

Westfall, Co-Vice-Chair

Childers

House

Jacob

Rohrbach

APPROPRIATIONS

Goode, Co-Chair

Russell, Co-Chair

Rohrbach, Co-Vice-Chair

Wiggins, Co-Vice-Chair

Bentley

Bland

Carter

Childers

Johnson

Sims

Stoll

Westfall

CIVIL AND CRIMINAL JURISPRUDENCE

Caskey, Co-Chair

Westfall, Co-Chair

Bland, Co-Vice-Chair

Sims, Co-Vice-Chair

Goode

Gross

House

Steelman

COMMERCE AND ENVIRONMENT

Steelman, Co-Chair

Stoll, Co-Chair

Gross, Co-Vice-Chair

Mathewson, Co-Vice-Chair

Goode

Kenney

Scott

Yeckel

EDUCATION

Bentley, Co-Chair

House, Co-Chair

Kenney, Co-Vice-Chair

Stoll, Co-Vice-Chair

Caskey

Jacob

Johnson

Steelman

Westfall

Yeckel

FINANCIAL AND GOVERNMENTAL ORGANIZATION, VETERANS' AFFAIRS AND ELECTIONS

Stoll, Co-Chair

Yeckel, Co-Chair

Bland, Co-Vice-Chair

Childers, Co-Vice-Chair

Foster

Gross

Jacob

Mathewson

GUBERNATORIAL APPOINTMENTS

Kinder, Co-Chair

Quick, Co-Chair

Russell, Co-Vice-Chair

Scott, Co-Vice-Chair

DePasco

Gibbons

Loudon

Mathewson

INSURANCE AND HOUSING

Jacob, Co-Chair

Rohrbach, Co-Chair

House, Co-Vice-Chair

Loudon, Co-Vice-Chair

Carter

Kenney

Schneider

Singleton

JUDICIARY

Klarich, Co-Chair

Schneider, Co-Chair

Caskey, Co-Vice-Chair

Steelman, Co-Vice-Chair

Carter

Gibbons

Wiggins

Yeckel

LABOR AND INDUSTRIAL RELATIONS

Bland, Co-Chair

Loudon, Co-Chair

Gibbons, Co-Vice-Chair

Jacob, Co-Vice-Chair

Childers

Foster

House

Mathewson

LOCAL GOVERNMENT AND ECONOMIC

DEVELOPMENT

Childers, Co-Chair

Mathewson, Co-Chair

Bentley, Co-Vice-Chair

Scott, Co-Vice-Chair

Gibbons

Johnson

Klarich

Stoll

PENSIONS AND GENERAL LAWS

Gross, Co-Chair

Scott, Co-Chair

Foster, Co-Vice-Chair

Staples, Co-Vice-Chair

DePasco

Klarich

Loudon

Quick

PUBLIC HEALTH AND WELFARE

Johnson, Co-Chair

Singleton, Co-Chair

Steelman, Co-Vice-Chair

Wiggins, Co-Vice-Chair

Bentley

Bland

Jacob

Sims

RULES, JOINT RULES, RESOLUTIONS AND ETHICS

DePasco, Co-Chair

Kenney, Co-Chair

Klarich, Co-Vice-Chair

Quick, Co-Vice-Chair

Kinder

Mathewson

Singleton

Wiggins

STATE BUDGET CONTROL

Mathewson, Co-Chair

Singleton, Co-Chair

Gross, Co-Vice-Chair

Quick, Co-Vice-Chair

DePasco

Goode

Kinder

Loudon

TRANSPORTATION

Staples, Co-Chair

Westfall, Co-Chair

Mathewson, Co-Vice-Chair

Russell, Co-Vice-Chair

DePasco

House

Sims

Singleton

WAYS AND MEANS

Gibbons, Co-Chair

Wiggins, Co-Chair

Rohrbach, Co-Vice-Chair

Stoll, Co-Vice-Chair

Caskey

Klarich

Schneider

Yeckel

MISCELLANEOUS

President Pro Tem Quick submitted the following Hearing Schedule:

SENATE HEARING SCHEDULE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

JANUARY 10, 2001

	Monday	Tuesday	Wednesday	Thursday
8:30 a.m.		Commerce and Environment- SL (Steelman, Stoll)	Civil and Criminal Jurisprudence- SCR 1 (Caskey, Westfall)	Rules, Jt. Rules, Resolutions and Ethics- SL (Kenney, DePasco)
9:00 a.m.		Aging, Families & Mental Health- SCR 1 (Carter, Sims)	Gubernatorial Appointments- SL (Kinder, Quick)	
11:00 a.m.		Labor & Industrial Relations- SCR 1 (Bland, Loudon)	Financial and Governmental Organization, Veterans' Affairs and Elections- SCR 1 (Stoll, Yeckel)	
1:30 p.m.		Transportation- SL (Staples, Westfall)	Public Health and Welfare- SL (Johnson, Singleton)	
2:00 p.m.		Local Government and Economic Development- SCR 1 (Childers, Mathewson)	Education- SCR 1 (Bentley, House)	
2:30 p.m.		Judiciary- SL (Klarich, Schneider)		
3:00 p.m.	Agriculture, Conservation, Parks and Tourism- SL (Foster, Johnson)		Insurance and Housing SCR 1 (Jacob, Rohrbach) Pensions and	

			General Laws- SL (Gross, Scott)	
8:00 p.m.		Ways and Means- SL (Gibbons, Wiggins)		

SL - Senate Lounge

SCR 1 - Senate Committee Rm. 1, Room 118

SCR 2 - Senate Committee Rm. 2, Room 119

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 267-By Klarich and Schneider.

An Act to repeal sections 43.503, 56.085, 67.133, 452.556, 455.040, 455.205, 479.150, 482.330, 483.500, 514.440, 534.070, 550.120 and 610.105, RSMo 2000, and section 303.041 as enacted in house bill no. 1797 by the ninetieth general assembly, second regular session and as enacted in senate bill no. 19 by the ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof fourteen new sections relating to the same subject.

SB 268-By Schneider.

An Act to repeal sections 196.790, 426.220, 426.230, 429.360, 487.030, 534.350, 534.360, 534.380, 535.030, 535.110 and 541.020, RSMo 2000, relating to judicial procedures, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

SB 269-By Schneider.

An Act to repeal section 537.675, RSMo 2000, relating to the tort victims compensation fund, and to enact in lieu thereof seven new sections relating to the same subject.

SB 270-By Schneider.

An Act relating to administrative law judges, with an effective date.

SB 271-By Schneider.

An Act to repeal section 488.426, RSMo 2000, relating to law library funds, and to enact in lieu thereof one new section relating to the same subject.

SB 272-By DePasco.

An Act to repeal sections 303.026, 303.190 and 379.203, RSMo 2000, relating to operator policies of liability insurance, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1--Judiciary.

SB 2--Local Government and Economic Development.

SB 3--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 4--Local Government and Economic Development.

SB 5--Ways and Means.

SB 6--Insurance and Housing.

SB 7--Local Government and Economic Development.

SB 8--Ways and Means.

SB 9--Agriculture, Conservation, Parks and Tourism.

SB 10--Civil and Criminal Jurisprudence.

SB 11--Transportation.

SB 12--Commerce and Environment.

SB 13--Transportation.

SB 14--Local Government and Economic Development.

SB 15--Commerce and Environment.

SB 16--Civil and Criminal Jurisprudence.

SB 17--Transportation.

SB 18--Transportation.

SB 19--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 20--Commerce and Environment.

SB 21--Ways and Means.

SB 22--Public Health and Welfare.

SB 23--Education.

SB 25--Education.

SB 26--Education.

SB 27--Public Health and Welfare.

SB 28--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 29--Judiciary.

SB 31--Local Government and Economic Development.

SB 32--Education.

SB 33--Education.

SB 34--Public Health and Welfare.

SB 35--Insurance and Housing.

SB 36--Transportation.

SB 37--Civil and Criminal Jurisprudence.

SB 38--Agriculture, Conservation, Parks and Tourism.

SB 39--Judiciary.

SB 40--Ways and Means.

SB 41--Public Health and Welfare.

SB 42--Education.

SB 43--Ways and Means.

SB 44--Aging, Families and Mental Health.

SB 45--Ways and Means.

SB 46--Public Health and Welfare.

SB 47--Public Health and Welfare.

SB 48--Aging, Families and Mental Health.

SB 50--Pensions and General Laws.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 2--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Quick referred the gubernatorial appointments appearing on pages 9-16 of the Senate Journal for Wednesday, January 3, 2001, and pages 51 and 52 of the Senate Journal for Monday, January 8, 2001, to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 32, regarding Joyce Elaine Lage, Jefferson City, which was adopted.

Senator Loudon offered Senate Resolution No. 33, regarding the Reverend Jerry Jessen, Ballwin, which was adopted.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Diane Rickard, London, England; and former State Senator Joe Moseley, Columbia.

Senator Gross introduced to the Senate, Brian Bolton, Columbia.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Norman P. Knowlton, M.D., Springfield.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTH DAY-THURSDAY, JANUARY 11, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS SB 24-Singleton

SB 30-Rohrbach

SB 49-Sims

SB 51-Childers and

Russell

SB 52-Childers

SB 53-Bland

SB 54-Bland

SB 55-Bland

SB 56-Stoll, et al

SB 57-Stoll, et al

SB 58-Stoll

SB 59-Steelman, et al

SB 60-Steelman

SB 61-Steelman

SB 62-Carter and Bland

SB 63-Carter, et al

SB 64-Carter

SB 65-Gibbons

SB 66-Gibbons

SB 67-Gross

SB 68-Gross and House

SB 69-Gross

SB 70-Loudon

SB 71-Loudon

SB 72-Loudon

SB 73-Schneider

SB 74-Wiggins

SB 75-Wiggins

SB 76-Wiggins

SB 77-Russell

SB 78-Russell

SB 79-Goode

SB 80-Goode

SB 81-Goode

SB 82-Singleton

SB 83-Singleton

SB 84-Singleton

SB 85-Rohrbach

SB 86-Rohrbach

SB 87-Rohrbach

SB 88-Kinder

SB 89-Kinder

SB 90-Kinder

SB 91-Westfall

SB 92-Westfall

SB 93-Kenney

SB 94-Kenney

SB 95-Kenney

SB 96-Bentley

SB 97-Bentley

SB 98-Bentley

SB 99-Sims

SB 100-Childers

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and

DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode, et al

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and

Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and

Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 256-Caskey

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 261-House

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and Caskey

SB 266-Bland and Carter

SB 267-Klarich and

Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SJR 1-Schneider

SJR 2-Goode

SJR 3-Goode

SJR 4-Johnson

SJR 5-Childers

SJR 6-Childers

SJR 7-Bland

SJR 8-Steelman

SJR 9-Goode, et al RESOLUTIONS

HCR 3-Crump (DePasco)

To be Referred SCR 3-Gross

SCR 4-Gross

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 11, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I keep the Lord always before me." (Psalm 16:8)

As we complete our first full week, filled with tension and celebrations we look forward to the normalcy of home and family and pray that we will always have You before us in all we say and do. Bless us this weekend and may we be open to Your word and teachings. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

Absent with leave--Senators	
Johnson	Scott--2
	Vacancies--3
The Lieutenant Governor was present.	

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 273-By Caskey.

An Act to repeal section 334.735, RSMo 2000, relating to physician assistants, and to enact in lieu thereof one new section relating to the same subject.

SB 274-By Caskey.

An Act to repeal sections 50.1230 and 50.1250, RSMo 2000, relating to the county employees' retirement system, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 275-By Sims.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to hearing impaired drivers.

SB 276-By Sims.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to foster children.

SB 277-By Sims.

An Act to repeal sections 66.620, 67.581 and 313.822, RSMo 2000, relating to taxation of gambling revenues, and to enact in lieu thereof three new sections relating to the same subject.

SB 278-By Westfall.

An Act to repeal section 91.210, RSMo 2000, relating to municipally owned utilities, and to enact in lieu thereof one new section relating to the same subject.

SB 279-By Staples.

An Act to amend chapter 589, RSMo, by adding thereto seventeen new sections relating to substance abuse and crime prevention, with penalty provisions and an effective date.

SB 280-By Yeckel, Rohrbach, House, Westfall, Childers, Gibbons, Wiggins, Schneider, Kenney, Steelman, Klarich, Foster, Bentley, Russell, Gross, Loudon, Stoll, Kinder and DePasco.

An Act to amend chapter 135, RSMo, relating to tax credits for contributions to unplanned pregnancy resource centers by adding thereto one new section relating to the same subject.

SB 281-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation, with an effective date.

SB 282-By Klarich.

An Act to repeal section 650.055, RSMo 2000, relating to post conviction procedures, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 283-By Steelman.

An Act to amend chapter 209, RSMo, by adding thereto one new section relating to closed captioning.

SB 284-By Steelman.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to American sign language.

SB 285-By Steelman.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to mandated health insurance coverage.

SB 286-By Mathewson and Staples.

An Act to repeal sections 142.803, 144.020, 144.700, 226.040 and 226.200, RSMo 2000, relating to transportation, and to enact in lieu thereof eight new sections relating to the same subject, with a referendum clause.

SECOND READING OF SENATE BILLS

The following Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SJR 1--Judiciary.

SJR 2--Commerce and Environment.

SJR 3--Ways and Means.

SJR 4--Judiciary.

SJR 5--Education.

SJR 6--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SJR 7--Judiciary.

SJR 8--Pensions and General Laws.

SJR 9--Local Government and Economic Development.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Crystal Emel, Springfield.

Senator Kinder introduced to the Senate, Matt Hopkins, Cape Girardeau.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Lyndell Scoles, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, January 15, 2001.

SENATE CALENDAR

SEVENTH DAY-MONDAY, JANUARY 15, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 24-Singleton

SB 30-Rohrbach

SB 49-Sims

SB 51-Childers and

Russell

SB 52-Childers

SB 53-Bland

SB 54-Bland

SB 55-Bland

SB 56-Stoll, et al

SB 57-Stoll, et al

SB 58-Stoll

SB 59-Steelman, et al

SB 60-Steelman

SB 61-Steelman

SB 62-Carter and Bland

SB 63-Carter, et al

SB 64-Carter

SB 65-Gibbons

SB 66-Gibbons

SB 67-Gross

SB 68-Gross and House

SB 69-Gross

SB 70-Loudon

SB 71-Loudon

SB 72-Loudon

SB 73-Schneider

SB 74-Wiggins

SB 75-Wiggins

SB 76-Wiggins

SB 77-Russell

SB 78-Russell

SB 79-Goode

SB 80-Goode

SB 81-Goode

SB 82-Singleton

SB 83-Singleton

SB 84-Singleton

SB 85-Rohrbach

SB 86-Rohrbach

SB 87-Rohrbach

SB 88-Kinder

SB 89-Kinder

SB 90-Kinder

SB 91-Westfall

SB 92-Westfall

SB 93-Kenney

SB 94-Kenney

SB 95-Kenney

SB 96-Bentley

SB 97-Bentley

SB 98-Bentley

SB 99-Sims

SB 100-Childers

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and

DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode, et al

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and

Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and

Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 256-Caskey

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 261-House

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and

Caskey

SB 266-Bland and Carter

SB 267-Klarich and

Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 286-Mathewson and
Staples

RESOLUTIONS

HCR 3-Crump (DePasco)

To be Referred

SCR 3-Gross, et al

SCR 4-Gross, et al

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY--MONDAY, JANUARY 15, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we are mindful this day of the contributions of Martin Luther King whose dream was for the nation and the world to be more tolerant and accepting of one another. That is a proper beacon for us to follow as we in the Senate seek new ways of working and serving with one another. And so we pray that Your Spirit will direct us along this path during these days ahead of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 11, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
Absent with leave--Senator Scott--1			
Vacancies--3			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 34, regarding Anna Swanson, Butler, which was adopted.

Senator Childers offered Senate Resolution No. 35, regarding Dr. Rengarajan Soundararajan, West Plains, which was adopted.

Senator Bland offered Senate Resolution No. 36, regarding the Ninetieth Birthday of William John Egbert Reynolds, New Bloomfield, which was adopted.

Senator Kenney offered Senate Resolution No. 37, regarding Charles Edward "Chuck" McGrath IV, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 38, regarding Ryan Scott Goold, Independence, which was adopted.

Senator Quick offered Senate Resolution No. 39, regarding Ray Uriarte, Overland Park, Kansas, which was adopted.

Senator House offered Senate Resolution No. 40, regarding Shirley Sisco, St. Charles County, which was adopted.

Senator House offered Senate Resolution No. 41, regarding Dale Kelley, Troy, which was adopted.

Senator House offered Senate Resolution No. 42, regarding Carl Bearden, St. Charles County, which was adopted.

Senators Bentley and Westfall offered Senate Resolution No. 43, regarding Riley C. Freelove, Brookline, which was adopted.

Senators Bentley and Westfall offered Senate Resolution No. 44, regarding Keith Trimmell, Republic, which was adopted.

Senators Bentley and Westfall offered Senate Resolution No. 45, regarding Joshua Worley, Republic, which was adopted.

Senator Yeckel offered Senate Resolution No. 46, regarding the Lindbergh School District, which was adopted.

Senator Yeckel offered Senate Resolution No. 47, regarding the City of Sunset Hills, which was adopted.

Senator Yeckel offered Senate Resolution No. 48, regarding Leonard "Bud" Bornemann, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 49, regarding Barb Soetebier, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 50, regarding Jennifer Miller-Bell, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 51, regarding the Missouri Division of Natural Resources, which was adopted.

Senator DePasco offered Senate Resolution No. 52, regarding Kerrin Alaina Torres, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 53, regarding Kerrissa Ariele Torres, Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 54, regarding Kathryn JoAnn "Kathy" Jadlot, Affton, which was adopted.

Senator Yeckel offered Senate Resolution No. 55, regarding Jessica V. "Jessie" Blackmon, Lakeshire, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 287-By Klarich.

An Act to repeal section 32.056, RSMo 2000, and to enact in lieu thereof one new section relating to certain peace officers.

SB 288-By Klarich.

An Act to repeal sections 351.120, 351.220, 351.268, 351.410, 351.415, 351.435, 351.440, 351.458, 351.478 and 351.482, RSMo 2000, relating to corporations, and to enact in lieu thereof ten new sections relating to the same subject.

SB 289-By Sims.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance claims reports.

SB 290-By Wiggins and DePasco.

An Act to repeal sections 86.370, 86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620, 86.675, 86.690, 86.750 and 86.780, RSMo 2000, relating to police relief and pension systems, and to enact in lieu thereof thirteen new sections relating to the same subject.

SB 291-By Westfall.

An Act to repeal section 577.017, RSMo 2000, relating to alcohol-related traffic offenses, and to enact in lieu thereof one new section relating to the same subject.

SB 292-By Singleton.

An Act to amend Supreme court rule 32.03, relating to criminal procedure.

SB 293-By Steelman.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to advisory committee for electronic commerce.

SB 294-By Steelman.

An Act to repeal section 487.020, RSMo 2000, relating to family courts, and to enact in lieu thereof one new section relating to the same subject.

SB 295-By Stoll and Staples.

An Act to repeal section 163.191, RSMo 2000, relating to allowable costs for state aid to community colleges, and to enact in lieu thereof one new section relating to the same subject.

SB 296-By Gross.

An Act to repeal section 452.402, RSMo 2000, relating to grandparent visitation, and to enact in lieu thereof one new section relating to the same subject.

SB 297-By DePasco.

An Act to amend chapter 415, RSMo, relating to self-service storage facilities by adding thereto one new section relating to late fees.

SB 298-By Quick.

An Act to repeal section 221.120, RSMo 2000, relating to medical expenses of prisoners, and to enact in lieu thereof one new section relating to the same subject.

SB 299-By Quick.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund, with an emergency clause.

SB 300-By Rohrbach.

An Act to repeal section 640.010, RSMo 2000, relating to rulemaking authority of the department of natural resources and commissions housed therein, and to enact in lieu thereof two new sections relating to the same subject.

SJR 10-By Quick.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2 and 9 of article III of the Constitution of Missouri relating to changing the number of members of the house of representatives, and adopting two new sections in lieu thereof relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Mel Carnahan and submitted to you on January 3, 2001 for your advice and consent:

John F. Bass, Democrat, 4841 Margaretta, St. Louis City, Missouri 63115, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Mel Carnahan and submitted to you on January 3, 2001 for your advice and consent:

Nanci Anton Bobrow, Ph.D., 50 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Children's Trust Fund Board, for a term ending September 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Mel Carnahan and submitted to you on January 3, 2001 for your advice and consent:

George A. Pipes, D.O., Democrat, 30349 Keyboard Road, LaPlata, Macon County, Missouri 63549, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Mel Carnahan and submitted to you on January 3, 2001 for your advice and consent:

Wayman F. Smith, III, Democrat, 6159 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the Harris-Stowe State College Board

of Regents, for a term ending July 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 24--Insurance and Housing.

SB 30--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 49--Insurance and Housing.

SB 286--Transportation.

COMMUNICATIONS

Co-Pro Tem Kinder submitted the following:

January 11, 2001

The Honorable Bill Foster

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Senator Foster:

Your request to be appointed as a member of the Missouri Commission on the Delta Regional Authority has been approved.

Sincerely,

/s/ Peter Kinder /s/ Ed Quick

PETER D. KINDER EDWARD QUICK

Also,

January 11, 2001

Tom Hodges

Chairman of the Board of Trustees

MO State Employees Retirement Board

Of Trustees (MOSERS)

907 Wildwood

Jefferson City, MO 65109

Dear Mr. Hodges:

We the undersigned have approved the reappointment of Senator John T. Russell as a member of the Missouri State Employees Retirement Board of Trustees (MOSERS).

Sincerely,

/s/ Peter Kinder /s/ Ed Quick

PETER D. KINDER EDWARD QUICK

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Dr. and Mrs. Steven Rice, and their children, Stephanie and Kevin, Dr. Marie Mitchell, Dr. Jolene Fenske, Dr. Patricia Short and Dr. Lynn Bureman, Springfield; and Stephanie and Kevin were made honorary pages.

Senator Russell introduced to the Senate, Dr. Donna Currier, O.D., Marshfield.

On motion of Senator DePasco, the Senate adjourned under the rules.

SENATE CALENDAR

EIGHTH DAY-TUESDAY, JANUARY 16, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 51-Childers and Russell

SB 52-Childers

SB 53-Bland

SB 54-Bland

SB 55-Bland

SB 56-Stoll, et al

SB 57-Stoll, et al

SB 58-Stoll

SB 59-Steelman, et al

SB 60-Steelman

SB 61-Steelman

SB 62-Carter and Bland

SB 63-Carter, et al

SB 64-Carter

SB 65-Gibbons

SB 66-Gibbons

SB 67-Gross

SB 68-Gross and House

SB 69-Gross

SB 70-Loudon

SB 71-Loudon

SB 72-Loudon

SB 73-Schneider

SB 74-Wiggins

SB 75-Wiggins

SB 76-Wiggins

SB 77-Russell

SB 78-Russell

SB 79-Goode

SB 80-Goode

SB 81-Goode

SB 82-Singleton

SB 83-Singleton

SB 84-Singleton

SB 85-Rohrbach

SB 86-Rohrbach

SB 87-Rohrbach

SB 88-Kinder

SB 89-Kinder

SB 90-Kinder

SB 91-Westfall

SB 92-Westfall

SB 93-Kenney

SB 94-Kenney

SB 95-Kenney

SB 96-Bentley

SB 97-Bentley

SB 98-Bentley

SB 99-Sims

SB 100-Childers

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and

DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode, et al

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and

Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and

Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 256-Caskey

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 261-House

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and

Caskey

SB 266-Bland, et al

SB 267-Klarich and

Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 287-Klarich

SB 288-Klarich

SB 289-Sims

SB 290-Wiggins and

DePasco

SB 291-Westfall

SB 292-Singleton

SB 293-Steelman

SB 294-Steelman

SB 295-Stoll and Staples

SB 296-Gross

SB 297-DePasco

SB 298-Quick

SB 299-Quick

SB 300-Rohrbach

SJR 10-Quick

RESOLUTIONS

HCR 3-Crump (DePasco)

To be Referred

SCR 3-Gross, et al

SCR 4-Gross, et al

Journal of the Senate

FIRST REGULAR SESSION

EIGHTH DAY--TUESDAY, JANUARY 16, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Blessed be the Lord, who daily bears us up: God is our salvation." (Psalm 68:19)

Heavenly Father, You are the one who bears us up in our daily work and serving; You are the one who heals us (*salvos*) and makes us whole. So we are thankful this day and pray that You help us to pass some of that caring on to others who are in need of what we can offer, either through our legislation or our personal efforts. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
Absent with leave--Senator Scott--1			
Vacancies--3			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 56, regarding Charles M. "Charlie" Cook, Carthage, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 57

WHEREAS, it is with great pleasure that the members of the Missouri Senate pause to honor a remarkable Missourian who has continually given of himself through professional endeavor with the Missouri Department of Revenue; and

WHEREAS, Elmo E. Turner, Jr., an esteemed resident of Joplin, Missouri, will officially retire from the Division of Taxation and Collection, Field Audit Bureau, on January 31, 2001, after more than a quarter century of exceptional service and dedication; and

WHEREAS, Elmo Turner is bringing to completion twenty-six years and nine months of outstanding achievement with his retirement from the position he currently holds as Senior Auditor; and

WHEREAS, a graduate of Missouri Southern State College in Joplin where he earned a degree in accounting, Elmo Turner dutifully served his country in the United States Navy for three years and the Missouri National Guard for seven years; and

WHEREAS, Elmo Turner has compiled an enviable list of service to his community through the important role he has played as a member of the Masonic Lodge, Scottish Rite, York Rite, Shriners, Webb City Elks Lodge, the Greater Joplin Bowling Association, and the Travelers Protective Association; and

WHEREAS, Elmo Turner looks forward to his "permanent vacation" so that he can enjoy life's little pleasures and spend more quality time with his beautiful wife of sixteen years, Linda; and

WHEREAS, it is entirely fitting and proper that this legislative body should pay tribute to Elmo Turner, an outstanding state employee who will be greatly missed by all those who had the distinct pleasure of knowing and working with him:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in expressing our utmost appreciation to Elmo Turner for his twenty-six years and nine months of unparalleled service to the Missouri Department of Revenue and the citizenry of the Show-Me State, and in wishing him the long, relaxing retirement he so richly deserves; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Elmo E. Turner, Jr.

Senator Singleton offered the following resolution:

SENATE RESOLUTION NO. 58

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Thirty-Second District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rule 70 be amended to read as follows:

"Rule 70. All resolutions proposing amendments to the constitution shall be treated, in all respects, in the introduction and form of proceedings on them in the senate, in the same manner as bills. All other orders and resolutions (except courtesy resolutions) shall be referred to a committee unless the senate otherwise expressly allows by a majority vote of senators elected. Courtesy resolutions will be read only upon request of the senator offering the resolution. Courtesy resolutions shall be printed in the Journal only upon the request of the senator offering the resolution. A senator who wishes to offer a courtesy resolution which is not to be read or printed may file the resolution with the secretary of senate who will show the resolution in the Journal as having been adopted by the senate. **A senator may not offer more than two hundred courtesy resolutions per general assembly.**".

CONCURRENT RESOLUTIONS

Senator Klarich offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, state child protective service agencies received approximately 46,270 reports of child abuse or neglect, involving nearly 71,500 children in Missouri in 1999; and

WHEREAS, approximately, 17,700 reports were assigned for further investigation in 1999 and, of those investigated, 54 percent were found to be unsubstantiated; and

WHEREAS, there exists a need for accountability in the review and investigation of child abuse and neglect cases; and

WHEREAS, there exists an additional need for assistance within and oversight of the agencies handling child abuse and neglect reports in order to ensure that every child's case is appropriately handled; and

WHEREAS, a need for clarification and standardization of what constitutes the best interest of the child exists:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a Child Abuse and Neglect Commission which shall oversee and review the laws and rules relating to child abuse and neglect cases and shall make recommendations on further action or legislative remedies, if any, to be taken in such cases, as necessary; and

BE IT FURTHER RESOLVED that such Commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child; and

BE IT FURTHER RESOLVED that the Child Abuse and Neglect Commission shall be composed of 10 members to be appointed by the Governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a psychologist, an educator, a Division of Family Services designee, and three citizens of the state of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the President Pro Tem and Co-Pro Tem of the Senate and to the Speaker of the House of Representatives.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 301-By Johnson.

An Act to authorize the conveyance of property owned by Missouri Western State College to the curators of the University of Missouri for use as an extension office.

SB 302-By Johnson, Westfall and Foster.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to liability for crop damage and destruction.

SB 303-By Johnson.

An Act to amend chapter 177, RSMo, by adding thereto one new section relating to school lease purchases.

SB 304-By Klarich.

An Act to repeal section 456.183, RSMo 2000, relating to trustees' resignation and removal, and to enact in lieu thereof one new section relating to the same subject.

SB 305-By Jacob.

An Act to repeal sections 142.803, 301.057, 301.265, 302.735, 304.010 and 622.030, RSMo 2000, relating to transportation, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 306-By Jacob.

An Act to amend chapter 375, RSMo, by adding thereto twenty new sections relating to the financial information privacy protection model act, with penalty provisions and an effective date.

SB 307-By Jacob.

An Act to repeal sections 140.010 and 140.730, RSMo 2000, relating to property taxes, and to enact in lieu thereof two

new sections relating to the same subject.

SB 308-By Jacob.

An Act to repeal section 50.1000, RSMo 2000, relating to certain county employees' retirement systems, and to enact in lieu thereof one new section relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Mel Carnahan and submitted to you on January 3, 2001 for your advice and consent:

Elizabeth K. Grove, Route 3 Box 21, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2000, and until her successor is duly appointed and qualified; vice, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 309-By Steelman.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to court records.

SB 310-By Quick.

An Act to repeal sections 319.129, 319.131, 319.132 and 319.133, RSMo 2000, relating to the petroleum storage tank insurance fund, and to enact in lieu thereof four new sections relating to the same subject.

President Pro Tem Quick moved that the appointments of:

John F. Bass, as a member of the Coordinating Board for Higher Education;

Nanci Anton Bobrow, Ph.D., as a member of the Children's Trust Fund Board;

George A. Pipes, D.O., as a member of the State Board of Registration for the Healing Arts;

Wayman F. Smith, III, as a member of the Harris-Stowe State College Board of Regents; and

Elizabeth K. Grove, as a member of the Safe Drinking Water Commission
be returned to the Governor pursuant to his requests, which motion prevailed.

REFERRALS

President Pro Tem Quick referred **SCR 3** and **SCR 4** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 51--Insurance and Housing.

SB 52--Transportation.

SB 53--Education.

SB 54--Judiciary.

SB 55--Civil and Criminal Jurisprudence.

SB 56--Education.

SB 57--Ways and Means.

SB 58--Commerce and Environment.

SB 59--Aging, Families and Mental Health.

SB 60--Aging, Families and Mental Health.

SB 61--Ways and Means.

SB 62--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 63--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 64--Insurance and Housing.

SB 65--Ways and Means.

SB 66--Civil and Criminal Jurisprudence.

SB 67--Ways and Means.

SB 68--Education.

SB 69--Civil and Criminal Jurisprudence.

SB 70--Civil and Criminal Jurisprudence.

SB 71--Judiciary.

SB 72--Local Government and Economic Development.

SB 73--Public Health and Welfare.

SB 74--Ways and Means.

SB 75--Judiciary.

SB 76--Ways and Means.

SB 77--Judiciary.

SB 78--Education.

SB 79--Local Government and Economic Development.

SB 80--Commerce and Environment.

SB 81--Civil and Criminal Jurisprudence.

SB 82--Insurance and Housing.

SB 83--Civil and Criminal Jurisprudence.

SB 84--Education.

SB 85--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 86--Insurance and Housing.

SB 87--Civil and Criminal Jurisprudence.

SB 88--Agriculture, Conservation, Parks and Tourism.

SB 89--Civil and Criminal Jurisprudence.

SB 90--Civil and Criminal Jurisprudence.

SB 91--Transportation.

SB 92--Transportation.

SB 93--Ways and Means.

SB 94--Ways and Means.

SB 95--Insurance and Housing.

SB 96--Transportation.

SB 97--Education.

SB 98--Civil and Criminal Jurisprudence.

SB 99--Public Health and Welfare.

SB 100--Civil and Criminal Jurisprudence.

SB 256--Local Government and Economic Development.

RESOLUTIONS

Senator House offered Senate Resolution No. 59, regarding the Honorable Keith Sutherland, Warren County, which was adopted.

Senator House offered Senate Resolution No. 60, regarding University of Missouri-Columbia Hearnese Center paramedics and staff, Columbia, which was adopted.

Senator House offered Senate Resolution No. 61, regarding Eugene Buxton, Warren County, which was adopted.

Senator House offered Senate Resolution No. 62, regarding Margaret B. Kramer, Hermann, which was adopted.

Senator Caskey offered Senate Resolution No. 63, regarding Christopher Abraham Miller, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 64, regarding Jackson Smith Jennings, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 65, regarding Matthew Ryan Molt, Centerville, which was adopted.

Senator Caskey offered Senate Resolution No. 66, regarding Kenneth Dean Jennings, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 67, regarding Clayton Randall Yearns,
Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 68, regarding Jay Steven Roush, Centerville, which was adopted.

Senator Caskey offered Senate Resolution No. 69, regarding Joel Thomas Roush, Centerville, which was adopted.

Senator Caskey offered Senate Resolution No. 70, regarding Edward Dean Hart, Warrensburg, which was adopted.

Senator Westfall offered Senate Resolution No. 71, regarding Bill Baugh, Mt. Vernon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, Tim Byrd, Crestwood.

Senator Rohrbach introduced to the Senate, Wayne and Carol Collins, California.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Chris Erkmann, M.D., St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

NINTH DAY-WEDNESDAY, JANUARY 17, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and

DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode, et al

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and

Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and

Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 261-House

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and

Caskey

SB 266-Bland, et al

SB 267-Klarich and

Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 287-Klarich

SB 288-Klarich

SB 289-Sims

SB 290-Wiggins and DePasco

SB 291-Westfall

SB 292-Singleton

SB 293-Steelman

SB 294-Steelman

SB 295-Stoll and Staples

SB 296-Gross

SB 297-DePasco

SB 298-Quick

SB 299-Quick

SB 300-Rohrbach

SB 301-Johnson

SB 302-Johnson, et al

SB 303-Johnson

SB 304-Klarich

SB 305-Jacob

SB 306-Jacob

SB 307-Jacob

SB 308-Jacob

SB 309-Steelman

SB 310-Quick

SJR 10-Quick

RESOLUTIONS

SR 58-Singleton

HCR 3-Crump (DePasco)

To be Referred

SCR 5-Klarich

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY--WEDNESDAY, JANUARY 17, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"When you are disturbed, do not sin; ponder it on your beds, and be silent." (Psalm 4:4)

Gracious God, each day there are those people and events that are most disturbing and sometimes outright aggravating. Help us to understand what is so upsetting to us and how we may better deal with such people and events. Help us to be able to be silent and not vengeful but seek ways to learn from such encounters and serve even those who may upset us. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

Absent with leave--Senators	
Russell	Scott--2
	Vacancies--3
The Lieutenant Governor was present.	

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 72, regarding the Ninetieth Birthday of Genevieve Willey Morris, Springfield, which was adopted.

Senator Quick offered the following resolution:

SENATE RESOLUTION NO. 73

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective in January.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director, two deputy department directors, and seven division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
6	Staff Attorney II	3,001 - 4,554
1	Senior Staff Attorney	3,763 - 5,419
1	Research Analyst II	3,001 - 4,554
1	Senior Research Analyst	3,763 - 5,419
1	Investigator	2,773 - 4,181
7	Research Staff Secretary	2,123 - 3,238
5	Budget Research Analyst II	3,001 - 4,554
4	Assistant Secretary of Senate	2,466 - 3,609
5.5	Enrolling & Engrossing Clerk	2,011 - 3,001
1	Billroom Supervisor	2,011 - 2,887
1	Billroom Clerk	1,647 - 2,193
3	Public Information Specialist I	2,011 - 2,887
2	Public Information Specialist II	2,287 - 3,323
1	Photographer	2,139 - 3,366
3	Administrative Assistant	1,500 - 5,723
1	Executive Assistant	1,500 - 5,598
1	Telecommunications Coordinator	2,565 - 3,763
3	Accounting Specialist	2,374 - 3,463
7	Administrative Secretary	1,800 - 3,687
7	Clerical Assistant	1,800 - 3,190
1	Messenger	1,563 - 2,115
1	Data Control Coordinator	2,374 - 3,463
3	Computer Info. Technology Spec. II	3,345 - 5,662
1	Computer Info. Technology Spec. III	3,489 - 5,921
1	Computer Info. Technologist III	2,916 - 4,554
1	Network/Communications Specialist	3,059 - 4,966
4	Computer Operator III	2,287 - 3,323
3	Data Entry Operator III	1,748 - 2,420
1	Redistricting Project Coordinator	2,666 - 3,925
2	Redistricting Project Specialist	2,339 - 3,428
3	Composing Equipment Operator III	1,939 - 3,001
1	Mailroom Supervisor	2,011 - 2,887
1	Mailroom Clerk	1,289 - 1,617
1	Printing Services Technician I	1,511 - 2,005
3	Printing Services Technician II	1,706 - 2,322
3	Printing Services Technician III	1,873 - 2,615
1	Printing Services Technician IV	2,011 - 2,887
1	Maintenance Supervisor	2,123 - 3,001
1	Carpenter II	2,011 - 2,887
4.5	Custodian II	1,395 - 2,322

2	Custodian III	1,748 - 2,420
2	Maintenance Worker	1,748 - 2,420
1	Sergeant at Arms (Elected)	2,287 - 3,323
0.5	Doorkeeper (Elected)	1,451 - 2,172
3	Assistant Doorkeeper	1,371 - 1,766
0.5	Reading Clerk	1,371 - 1,766
0.5	Chaplain	500 - 915
2.5	Security Guard	1,500 - 2,615

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator for the employment of Administrative and Clerical Assistants. Each Senator will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the House Administrator in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2002.

Senator Childers offered Senate Resolution No. 74, regarding Miss Erma Smotherman Drake, Mountain View, which was adopted.

Senator Klarich offered Senate Resolution No. 75, regarding Chesterfield Elementary School, St. Louis, which was adopted.

Senator Klarich offered Senate Resolution No. 76, regarding Pond Elementary School, St. Louis, which was adopted.

Senator Klarich offered Senate Resolution No. 77, regarding Ridge Meadows Elementary School, St. Louis, which was adopted.

Senator Klarich offered Senate Resolution No. 78, regarding Woerther Elementary School, St. Louis, which was adopted.

Senator Klarich offered Senate Resolution No. 79, regarding Lafayette High School, St. Louis, which was adopted.

Senator Klarich offered Senate Resolution No. 80, regarding Rockwood Valley Middle School, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 311-By Mathewson.

An Act to repeal section 311.178, RSMo 2000, relating to liquor licenses, and to enact in lieu thereof one new section relating to the same subject.

SB 312-By Caskey.

An Act to repeal section 644.051, RSMo 2000, and to enact in lieu thereof one new section relating to the appeal of water pollution control permits.

SB 313-By Caskey.

An Act to repeal section 354.400, RSMo 2000, relating to health insurance, and to enact in lieu thereof four new sections relating to the same subject.

SB 314-By Steelman.

An Act to amend chapter 452, RSMo, by adding thereto one new section relating to child custody.

SB 315-By Childers.

An Act to repeal section 270.170, RSMo 2000, relating to restraining animals, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 316-By Stoll.

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to certain school retirement systems.

SB 317-By Stoll.

An Act to repeal sections 700.015, 700.025, 700.045, 700.050, 700.090 and 700.100, RSMo 2000, relating to manufactured housing, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

SB 318-By Sims.

An Act to repeal section 208.151, RSMo 2000, relating to medical assistance for the aged, blind and disabled, and to enact in lieu thereof one new section relating to the same subject.

CONCURRENT RESOLUTIONS

Senators Stoll and Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, the Declaration of Arbroath, the Scottish Declaration of Independence, from which the American Declaration of Independence was modeled, was signed on April 6, 1320; and

WHEREAS, Scottish Americans played a major role in the founding of this Nation, almost half of the signers of our Declaration of Independence and the governors of nine of the original 13 states were of Scottish descent; and

WHEREAS, Scottish Americans helped shape this nation in its formative years, guided it through troubled times, and have made invaluable contributions to America in the fields of science, technology, medicine, government and many other areas; and

WHEREAS, the members of the Missouri General Assembly wish to salute to all Americans of Scottish descent as they celebrate their heritage:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby declare April 6th of each year as Tartan Day in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for St. Andrews Society of St. Louis.

COMMUNICATIONS

Pursuant to the provisions of Conference Committee Substitute for Senate Committee Substitute for House Substitute

for House Committee Substitute for House Bill No. 1742, passed in the second regular session of the 90th General Assembly, the Missouri Department of Transportation has presented to the General Assembly its proposed plan and an analysis thereof.

A copy is on file in the office of the Secretary of Senate.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Kyle Fowler, Richmond; and Kyle was made an honorary page.

Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. Joanne E. Mortimer, M.D., Town and Country.

On motion of Senator DePasco, the Senate adjourned under the rules.

SENATE CALENDAR

TENTH DAY-THURSDAY, JANUARY 18, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 101-Childers

SB 102-Childers

SB 103-Bland

SB 104-Bland

SB 105-Bland

SB 106-Steelman, et al

SB 107-Steelman

SB 108-Steelman

SB 109-Gross

SB 110-Gross

SB 111-Gross

SB 112-Loudon

SB 113-Loudon

SB 114-Loudon

SB 115-Wiggins

SB 116-Wiggins

SB 117-Wiggins

SB 118-Goode

SB 119-Goode

SB 120-Goode, et al

SB 121-Singleton

SB 122-Kinder

SB 123-Kinder

SB 124-Kinder

SB 125-Bentley

SB 126-Bentley

SB 127-Childers

SB 128-Childers

SB 129-Childers

SB 130-Bland

SB 131-Bland

SB 132-Bland

SB 133-Steelman

SB 134-Loudon

SB 135-Wiggins

SB 136-Wiggins

SB 137-Wiggins

SB 138-Goode and Wiggins

SB 139-Goode

SB 140-Goode

SB 141-Childers

SB 142-Childers

SB 143-Childers

SB 144-Bland

SB 145-Bland

SB 146-Bland

SB 147-Wiggins and

DePasco

SB 148-Goode

SB 149-Goode

SB 150-Goode

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode, et al

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and

Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and

Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 261-House

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and

Caskey

SB 266-Bland, et al

SB 267-Klarich and

Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 287-Klarich

SB 288-Klarich

SB 289-Sims

SB 290-Wiggins and

DePasco

SB 291-Westfall

SB 292-Singleton

SB 293-Steelman

SB 294-Steelman

SB 295-Stoll and Staples

SB 296-Gross

SB 297-DePasco

SB 298-Quick

SB 299-Quick

SB 300-Rohrbach

SB 301-Johnson

SB 302-Johnson, et al

SB 303-Johnson

SB 304-Klarich

SB 305-Jacob

SB 306-Jacob

SB 307-Jacob

SB 308-Jacob

SB 309-Steelman

SB 310-Quick

SB 311-Mathewson

SB 312-Caskey

SB 313-Caskey

SB 314-Steelman

SB 315-Childers

SB 316-Stoll

SB 317-Stoll

SB 318-Sims

SJR 10-Quick

RESOLUTIONS

SR 58-Singleton

SR 73-Quick

HCR 3-Crump (DePasco)

To be Referred

SCR 5-Klarich

SCR 6-Stoll and Loudon

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY--THURSDAY, JANUARY 18, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, it has been a week to get things done, people to see and listen to and now it's good to know in a short time we will be able to return home to loved ones and enjoy the time for rest and recreation. Be with us during our travels and bring us safely home. Help us to be open to Your teaching and celebrate the joy of Your presence with those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
Absent with leave--Senators			
Russell	Scott	Singleton--3	
Vacancies--3			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 81, regarding Maurice "Mike" Greenblatt, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 82

WHEREAS, the members of the Missouri Senate have been pleased to learn that the South Kansas City Chamber of Commerce will hold its annual membership meeting on Friday, January 19, 2001, and will celebrate the 70th anniversary of its founding; and

WHEREAS, the South Kansas City Chamber has a long history of substantial and positive contributions to the civic and community life of South

Kansas City; and

WHEREAS, the South Kansas City Chamber has been led by an unending series of dynamic leaders and officers, too numerous to mention in one Resolution; and

WHEREAS, the South Kansas City Chamber has been a strong and effective voice in educational initiatives and in the overall development of the South Kansas City area as a dynamic and integral part of the leadership of the overall metropolitan area;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding history of service by the South Kansas City Chamber of Commerce, express their congratulations on the Chamber's 70th anniversary and extend to the Chamber and its members many long years of continued success and happiness in service to the people of South Kansas City; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the South Kansas City Chamber of Commerce.

Senators Rohrbach, Russell, Westfall, Gross, Wiggins, Goode and Johnson offered Senate Resolution No. 83, regarding Ronald Wayne Collins, California, which was adopted.

Senator Quick moved that **SR 73** be taken up for adoption, which motion prevailed.

On motion of Senator Quick, **SR 73** was adopted.

CONCURRENT RESOLUTIONS

Senators Bland and Carter offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

WHEREAS, at the second session of the Ninety-second Congress of the United States of America, it was resolved by the Senate and House of Representatives of the United States in Congress assembled, two-thirds of each house concurring therein, that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the constitution when ratified by the legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress, no provision having been made for ratification by convention as mandated by article I, section 4, of the Constitution of the state of Missouri:

"ARTICLE"

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section 3. This amendment shall take effect two years after the date of its ratification.":

THEREFORE, BE IT RESOLVED by the Senate of the Ninety-first General Assembly, First Regular Session, of the state of Missouri, the House of Representatives concurring therein, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded by the governor of Missouri to the Administrator of General Services, Washington, D.C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 319-By Carter.

An Act to repeal section 160.518, RSMo 2000, and to enact in lieu thereof one new section relating to assessment of students for whom English is a second language.

SB 320-By Goode.

An Act to amend chapter 8, RSMo, by adding thereto ten new sections relating to procurement of services for state construction projects, with an expiration date.

SB 321-By Westfall.

An Act to repeal section 178.930, RSMo 2000, relating to sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

SB 322-By Gross and Gibbons.

An Act to repeal section 566.093, RSMo 2000, relating to sexual misconduct in the second degree, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 323-By Childers, Johnson and Bentley.

An Act to amend chapter 67, RSMo, by adding thereto ten new sections relating to a tourism community enhancement district.

SB 324-By Childers.

An Act to amend chapter 305, RSMo, by adding thereto eight new sections relating to the Missouri airport protection act.

SB 325-By Foster, Childers and Goode.

An Act to amend chapter 324, RSMo, by adding thereto eighteen new sections relating to foresters, with penalty provisions.

SB 326-By Bland, DePasco, Wiggins and Carter.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to energy cost assistance, with an emergency clause.

SB 327-By Yeckel and Carter.

An Act to amend chapter 324, RSMo, by adding thereto ten new sections relating to occupations and professions.

SB 328-By Yeckel and DePasco.

An Act to repeal section 334.021, RSMo 2000, relating to certain health care professionals, and to enact in lieu thereof one new section relating to the same subject.

SB 329-By Yeckel and Stoll.

An Act to amend chapter 427, RSMo, by adding thereto one new section relating to creditor protection, with an emergency clause.

SB 330-By Jacob, Goode, DePasco, Bentley, Wiggins, Singleton, Schneider, Sims and House.

An Act to repeal sections 226.527, 226.540 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof four new sections relating to the same subject.

SB 331-By DePasco, Kenney, Stoll and Gibbons.

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050,

RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof eleven new sections relating to the same subject, with termination dates for certain sections.

SJR 11--By Yeckel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to school district bond elections, and adopting one new section in lieu thereof relating to the same subject.

RE-REFERRALS

Co-Pro Tem Kinder requested unanimous consent of the body that **SB 61** be re-referred to the Committee on Education, which request was granted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 101--Education.

SB 102--Labor and Industrial Relations.

SB 103--Ways and Means.

SB 104--Insurance and Housing.

SB 105--Pensions and General Laws.

SB 106--Public Health and Welfare.

SB 107--Agriculture, Conservation, Parks and Tourism.

SB 108--Education.

SB 109--Judiciary.

SB 110--Public Health and Welfare.

SB 111--Transportation.

SB 112--Civil and Criminal Jurisprudence.

SB 113--Judiciary.

SB 114--Labor and Industrial Relations.

SB 115--Ways and Means.

SB 116--Ways and Means.

SB 117--Insurance and Housing.

SB 118--Insurance and Housing.

SB 119--Pensions and General Laws.

SB 120--Labor and Industrial Relations.

SB 121--Insurance and Housing.

SB 122--Judiciary.

SB 123--Civil and Criminal Jurisprudence.

SB 124--Civil and Criminal Jurisprudence.

SB 125--Local Government and Economic Development.

SB 126--Education.

SB 127--Agriculture, Conservation, Parks and Tourism.

SB 128--Agriculture, Conservation, Parks and Tourism.

SB 129--Judiciary.

SB 130--Public Health and Welfare.

SB 131--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 132--Agriculture, Conservation, Parks and Tourism.

SB 133--Education.

SB 134--Education.

SB 135--Aging, Families and Mental Health.

SB 136--Public Health and Welfare.

SB 137--Civil and Criminal Jurisprudence.

SB 138--Transportation.

SB 139--Insurance and Housing.

SB 140--Ways and Means.

SB 141--Agriculture, Conservation, Parks and Tourism.

SB 142--Transportation.

SB 143--Transportation.

SB 144--Civil and Criminal Jurisprudence.

SB 145--Education.

SB 146--Education.

SB 147--Ways and Means.

SB 148--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 149--Commerce and Environment.

SB 150--Commerce and Environment.

REFERRALS

President Pro Tem Quick referred **SCR 5** and **SCR 6** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 332--By Westfall.

An Act to amend chapter 171, RSMo, by

adding thereto one new section relating to school absences for participation in the Missouri state fair.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

January 17, 2001

Mr. Tom Hodges

Chairman of the Board

MO State Employees Retirement System

907 Wildwood

Jefferson City, MO 65109

Dear Mr. Hodges:

We the undersigned have approved the reappointment of Senator John Scott as a member of the Missouri State Employees Retirement Board of Trustees (MOSERS).

Sincerely,

/s/ Ed Quick /s/ Peter Kinder

EDWARD E. QUICK PETER D. KINDER

Senate President Pro Tem Senate Co-Pro Tem

INTRODUCTIONS OF GUESTS

Senator Steelman introduced to the Senate, Dr. Jim Williams, Rolla.

Senator Caskey introduced to the Senate, Dennis Green, St. Louis.

Senator Carter introduced to the Senate, the Physician of the Day, Dr. Katherine Jahnige, M.D., St. Louis.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 22, 2001.

SENATE CALENDAR

ELEVENTH DAY-MONDAY, JANUARY 22, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 151-Childers

SB 152-Childers

SB 153-Bland

SB 154-Bland

SB 155-Bland

SB 156-Goode

SB 157-Goode and Bentley

SB 158-Bland

SB 159-Bland

SB 160-Bland

SB 161-Bland

SB 162-Bland

SB 163-Bland

SB 164-Bland

SB 165-Bland

SB 166-Bland

SB 167-Bland

SB 168-Bland

SB 169-Bland

SB 170-Bland

SB 171-Bland

SB 172-Bland

SB 173-Bland

SB 174-Bland

SB 175-Bland

SB 176-Bland

SB 177-Schneider

SB 178-Schneider and

Rohrbach

SB 179-Rohrbach

SB 180-Klarich

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode, et al

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and

Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and

Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 261-House

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and

Caskey

SB 266-Bland, et al

SB 267-Klarich and

Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 287-Klarich

SB 288-Klarich

SB 289-Sims

SB 290-Wiggins and

DePasco

SB 291-Westfall

SB 292-Singleton

SB 293-Steelman

SB 294-Steelman

SB 295-Stoll and Staples

SB 296-Gross

SB 297-DePasco

SB 298-Quick

SB 299-Quick

SB 300-Rohrbach

SB 301-Johnson

SB 302-Johnson, et al

SB 303-Johnson

SB 304-Klarich

SB 305-Jacob

SB 306-Jacob

SB 307-Jacob

SB 308-Jacob

SB 309-Steelman

SB 310-Quick

SB 311-Mathewson

SB 312-Caskey

SB 313-Caskey

SB 314-Steelman

SB 315-Childers

SB 316-Stoll

SB 317-Stoll

SB 318-Sims

SB 319-Carter

SB 320-Goode

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 329-Yeckel and Stoll

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SJR 10-Quick

SJR 11-Yeckel

RESOLUTIONS

SR 58-Singleton

HCR 3-Crump (DePasco)

To be Referred

SCR 7-Bland and Carter

Journal of the Senate

FIRST REGULAR SESSION

ELEVENTH DAY--MONDAY, JANUARY 22, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord shall watch over your going out and your coming in, from this time forth forevermore." (Psalm 121:8)

Gracious God, we thank You for watching our "going out and coming in," and bringing us safely here to the beginning of this new week. Bless us with Your presence and guide our hearts and minds as we discern the calling You have given to each of us here and the work that is before us. We pray for Senator Yeckel who had surgery this week and pray You will touch her life and body with Your healing power. Bring her to health and wholeness. May what we do and say reflect Your presence and be blessed. In Your gracious Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 18, 2001, was read and approved.

Senator DePasco announced that photographers from KOMU-TV had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--29			

Absent with leave--Senators	
Carter	Yeckel--2
	Vacancies--3
The Lieutenant Governor was present.	

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 84, regarding the One Hundredth Birthday of Ruth E. Shubert, Butler, which was adopted.

Senator Quick offered Senate Resolution No. 85, regarding Fordyce W. Mitchel, Jefferson City, which was adopted.

Senator Mathewson offered Senate Resolution No. 86, regarding the Sedalia-Pettis County Emergency Management Agency, which was adopted.

Senator Stoll offered Senate Resolution No. 87, regarding Helen Church, Crystal City, which was adopted.

Senator Bentley offered Senate Resolution No. 88, regarding the death of W. E. "Bull" Starnes, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 89, regarding Dr. Tedd A. Hamaker, D.V.M., Springfield, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 90

WHEREAS, the members of the Missouri Senate are always pleased to acknowledge important events of great significance to the history of this fine state and its many outstanding citizens; and

WHEREAS, Jasper County will mark an impressive milestone on January 29, 2001, with the celebration of its One Hundred Sixtieth Anniversary by all those proud citizens who are so very fortunate to call it home; and

WHEREAS, organized on January 29, 1841, Jasper County has a history of one hundred sixty years that evolved at the first courthouse, a log cabin constructed in the early 1830s which still stands at the old cabin shop on Mound Street Road; and

WHEREAS, when Carthage was chosen as Jasper County's permanent seat on March 28, 1842, a \$100 one-room building was erected on the north side of the square and served as the courthouse for twelve years until a new two-story structure was erected in the middle of the square in 1854; and

WHEREAS, during the Civil War battle known today as the Battle of Carthage, that new courthouse sustained severe damage from heavy artillery fire on the square which prompted the citizenry to construct a different edifice that was completed in 1895 at the cost of \$100,000 and placed on the National Register of Historic Places in 1973; and

WHEREAS, Jasper County enjoys the distinction of being one of the fastest-growing counties in the Show-Me State and prides itself on the success which the community of Joplin has experienced in attracting new business virtually every day; and

WHEREAS, the residents of Jasper County have a reputation of being a close-knit family, the members of which assist, support, and encourage each other especially in time of need:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously in extending hearty congratulations to the citizens of Jasper County as they commemorate one hundred sixty years of achievement and in wishing them continued growth and prosperity in the challenging years that lie ahead; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the One Hundred Sixtieth Anniversary celebration of Jasper County, Missouri.

Senator DePasco offered Senate Resolution No. 91, regarding James V. Spallo, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Caskey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

Recognizing the Northern Cherokee Indian People of Missouri.

WHEREAS, the Northern Cherokee Indian people are descendants of the Cherokee Nation; and

WHEREAS, the Northern Cherokee settled in Missouri rather than in Indian territory; and

WHEREAS, the Northern Cherokee citizens of Missouri have represented our state in the armed services through several wars; and

WHEREAS, they are very much a part of the state's history and its future; and

WHEREAS, they have continued a form of tribal government for the past 140 years, and in 1979, wrote a constitution and by-laws creating a new and working tribal organization into the state of Missouri in 1982; and

WHEREAS, recognition by the state of Missouri confers certain benefits upon the Northern Cherokee Indian people:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the Northern Cherokee Indians; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Senators Loudon and Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 9

WHEREAS, the federal Environmental Protection Agency's reformulated gasoline program uses methyl tertiary butyl ether or MTBE as a gasoline additive which makes gasoline burn more efficiently and reduces air pollution; and

WHEREAS, while MTBE is not harmful if completely combusted, contamination of water and air can occur if gasoline is allowed to evaporate or leak into the ground; and

WHEREAS, two recent spills in Missouri have resulted in ground water pollution, which the impact of is yet to be determined; and

WHEREAS, as recently as March of 2000, the federal government took steps to ban MTBE because of continuing reports that the chemical has contaminated drinking water and threatened human health; and

WHEREAS, President Clinton has announced that he wants Congress to replace the Clean Air Act provision that governs additives such as MTBE and ethanol with a renewable fuel standard for all gasoline; and

WHEREAS, as a result of the environmental and health concerns over MTBE, the states of California and New Jersey have already opted out of the EPA's reformulated gasoline program; and

WHEREAS, at a time when gasoline prices have risen, eliminating the use of more costly MTBE treated gasoline could provide Missouri consumers with more than six cents a gallon in much needed tax relief; and

WHEREAS, in the St. Louis Region, MTBE came into use in the summer of 1999, as a method of reducing the area's ozone problem and will be used until 2004 because of the governmental red tape involved in removing MTBE from the market:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor to allow St. Louis to opt out of the EPA's reformulated gasoline program until a safer substitute for MTBE is found; and

BE IT FURTHER RESOLVED the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor.

Senator House requested unanimous consent of the Senate to withdraw **SB 261**, which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 333-By DePasco.

An Act to repeal sections 160.420, 169.270, 169.280, 169.291, 169.301, 169.315 and 169.324, RSMo 2000, relating to teacher and school retirement systems, and to enact in lieu thereof seven new sections relating to the same subject.

SB 334-By Kinder.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing before the start of the school year, with an emergency clause and a termination date.

SB 335-By Kinder.

An Act to amend chapter 490, RSMo, by adding thereto seven new sections relating to environmental audit privileges, with penalty provisions.

SB 336-By Caskey.

An Act to repeal section 192.935, RSMo 2000, relating to vision examinations for students, and to enact in lieu thereof two new sections relating to the same subject.

SB 337-By House.

An Act to amend chapter 1, RSMo, by adding thereto three new sections relating to the prohibition of interference with the free exercise of religion.

SB 338-By House.

An Act to repeal section 288.055, RSMo 2000, relating to employment security, and to enact in lieu thereof one new section relating to the same subject.

SB 339-By Stoll and Childers.

An Act to repeal section 313.835, RSMo 2000, relating to the veterans' commission capital improvements trust fund, and to enact in lieu thereof one new section relating to the same subject.

SB 340-By Stoll and Childers.

An Act to repeal section 313.835, RSMo 2000, relating to veterans' affairs, and to enact in lieu thereof seven new sections relating to the same subject.

SB 341-By Jacob.

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

SB 342-By Jacob.

An Act to repeal section 478.610, RSMo 2000, relating to certain judges, and to enact in lieu thereof one new section relating to the same subject.

SB 343-By Scott.

An Act to repeal section 56.807, RSMo 2000, relating to the retirement system for prosecuting and circuit attorneys, and to enact in lieu thereof one new section relating to the same subject.

SB 344-By Rohrbach and Jacob.

An Act to repeal section 375.1220, RSMo 2000, relating to insurer liquidation law, and to enact in lieu thereof one new section relating to the same subject, with a termination date, with an emergency clause.

SB 345-By House.

An Act to repeal section 71.285, RSMo 2000, relating to removal of weeds, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator DePasco and Senator Kenney, Co-Chairs of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 2**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 18, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gracia Yancey Backer, 2885 State Road TT, New Bloomfield, Callaway County, Missouri 65063, as Director of the Division of Employment Security for the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Catherine B. Leapheart, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 18, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marilyn Taylor Williams, 10863 County Road 442, Dudley, Stoddard County, Missouri 63936, as Director of the Division of Professional Registration for the Department of Economic Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Randall J. Singer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 151--Insurance and Housing.

SB 152--Ways and Means.

SB 153--Education.

SB 154--Education.

SB 155--Ways and Means.

SB 156--Commerce and Environment.

SB 157--Commerce and Environment.

SB 158--Insurance and Housing.

SB 159--Insurance and Housing.

SB 160--Insurance and Housing.

SB 161--Insurance and Housing.

SB 162--Insurance and Housing.

SB 163--Public Health and Welfare.

SB 164--Public Health and Welfare.

SB 165--Insurance and Housing.

SB 166--Insurance and Housing.

SB 167--Public Health and Welfare.

SB 168--Aging, Families and Mental Health.

SB 169--Local Government and Economic Development.

SB 170--Civil and Criminal Jurisprudence.

SB 171--Local Government and Economic Development.

SB 172--Ways and Means.

SB 173--Ways and Means.

SB 174--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 175--Local Government and Economic Development.

SB 176--Local Government and Economic Development.

SB 177--Ways and Means.

SB 178--Insurance and Housing.

SB 179--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 180--Aging, Families and Mental Health.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

SCR 7--Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWELFTH DAY-TUESDAY, JANUARY 23, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 181-Caskey

SB 182-Loudon

SB 183-Schneider

SB 184-Johnson, et al

SB 185-Loudon

SB 186-Klarich

SB 187-Schneider and

Wiggins

SB 188-Russell

SB 189-Russell

SB 190-Russell

SB 191-Goode

SB 192-Schneider, et al

SB 193-Rohrbach

SB 194-Schneider and

Bland

SB 195-Schneider and

Goode

SB 196-Scott

SB 197-Johnson

SB 198-Staples

SB 199-Sims

SB 200-Sims

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode, et al

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and

Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and

Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and
Caskey

SB 266-Bland, et al

SB 267-Klarich and
Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 287-Klarich

SB 288-Klarich

SB 289-Sims

SB 290-Wiggins and
DePasco

SB 291-Westfall

SB 292-Singleton

SB 293-Steelman

SB 294-Steelman

SB 295-Stoll and Staples

SB 296-Gross

SB 297-DePasco

SB 298-Quick

SB 299-Quick

SB 300-Rohrbach

SB 301-Johnson

SB 302-Johnson, et al

SB 303-Johnson

SB 304-Klarich

SB 305-Jacob

SB 306-Jacob

SB 307-Jacob

SB 308-Jacob

SB 309-Steelman

SB 310-Quick

SB 311-Mathewson

SB 312-Caskey

SB 313-Caskey

SB 314-Steelman

SB 315-Childers

SB 316-Stoll

SB 317-Stoll

SB 318-Sims

SB 319-Carter

SB 320-Goode

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 329-Yeckel and Stoll

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SB 333-DePasco

SB 334-Kinder

SB 335-Kinder

SB 336-Caskey

SB 337-House

SB 338-House

SB 339-Stoll and Childers

SB 340-Stoll and Childers

SB 341-Jacob

SB 342-Jacob

SB 343-Scott

SB 344-Rohrbach and Jacob

SB 345-House

SJR 10-Quick

SJR 11-Yeckel

RESOLUTIONS

SR 58-Singleton

HCR 3-Crump (DePasco)

To be Referred

SCR 8-Caskey

SCR 9-Loudon and Gross

Reported from Committee

SCR 2-Singleton

Journal of the Senate

FIRST REGULAR SESSION

TWELFTH DAY--TUESDAY, JANUARY 23, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Whoever serves must do so with the strength that God supplies, so that God may be glorified..." (I Peter 4:11)

Almighty God, we are thankful for the gift of health and strength You provide each of us so we might fully use the gifts You have given us as we go about our assigned tasks. Bless us today with the discipline we need to exercise regularly and do all things in moderation. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney announced that photographers from KRCG-TV, KOMU-TV and the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		
	Absent with leave--Senator Yeckel--1		
	Vacancies--3		
	The Lieutenant Governor was present.		

CONCURRENT RESOLUTIONS

Senator Staples offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, the Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including the entire Missouri delegation to Congress; and

WHEREAS, more than 83 United States Senators, including both Missouri Senator Kit Bond and then Missouri Senator John Ashcroft, signed letters of support for this legislation in 2000; and

WHEREAS, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

WHEREAS, railroad management, labor and retiree organizations have agreed to support this legislation; and

WHEREAS, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

WHEREAS, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

WHEREAS, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

WHEREAS, all changes will be paid for from within the railroad industry, including a full share by active employees:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that the United States Congress are urged to support the Railroad Retirement and Survivors Improvement Act in the 107th Congress; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all Missouri members of the Missouri Congressional delegation.

Senator Caskey offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 11

Consenting to Fee Payment Agreement of Master Settlement Agreement.

WHEREAS, on June 29, 1998, Missouri Attorney General Jay Nixon entered into a Contract Agreement for Legal Services with Thomas Strong as Lead Special Assistant Attorney General in the case of *State of Missouri ex rel. Nixon v. The American Tobacco Co., et al.* (hereinafter "the Tobacco case"); and

WHEREAS, on June 30, 1998, Thomas Strong entered into a Contract for Legal Services with certain subcontracting counsel to provide legal services in the Tobacco case; and

WHEREAS, pursuant to the terms of the Fee Payment Agreement between Mr. Strong and the State of Missouri, Mr. Strong was entitled to receive a certain percentage of the state's settlement if the settlement was obtained after January 1, 1999; and

WHEREAS, on November 23, 1998, the state entered into the Master Settlement Agreement in resolution of the Tobacco case, which was initially approved by the Circuit Court of the City of St. Louis on March 5, 1999; and

WHEREAS, the Master Settlement Agreement contained a Model Fee Payment Agreement, by which the Tobacco defendants paid the attorney's fees for the state;

WHEREAS, several parties that were denied intervention in the Tobacco case appealed to the Missouri Court of Appeals, Eastern District, and subsequently to the Supreme Court of Missouri; and

WHEREAS, the Supreme Court of Missouri issued an opinion on December 12, 2000, approving the settlement but allowing the General Assembly until December 31, 2001, to disapprove the attorney's fees arrangement contained in the Master Settlement Agreement in accordance with Missouri Supreme Court Rule 4-1.8(f), which requires counsel to obtain the client's consent if fees are to be paid by an outside source;

WHEREAS, if no legislation is enacted by that date, the MSA fee arrangement, by which certain Tobacco case defendants pay any attorneys' fees, becomes final, but if the fee arrangement is disapproved, the original contract with Mr. Strong, requiring his payment from the state's settlement proceeds, remains in effect and enforceable;

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, in accordance with Missouri Supreme Court Rule 4-1.8(f) hereby consent on behalf of the state of Missouri to the recovery of costs and attorneys' fees contained in the Model Fee Payment Agreement of the Master Settlement Agreement, and further direct that Lead Special Assistant Attorney General Thomas Strong and any subcontracting counsel receive no state funds in payment of attorney's fees or costs if such fees or costs are paid pursuant to the terms of the Master Settlement Agreement; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 346-By Caskey.

An Act to repeal sections 287.812, 287.815, 287.825, 287.830 and 622.020, RSMo 2000, relating to benefits of administrative law judges, and to enact in lieu thereof five new sections relating to the same subject.

SB 347-By Caskey.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment of real property.

SB 348-By Sims.

An Act to repeal section 475.083, RSMo 2000, relating to guardianship of children, and to enact in lieu thereof one new section relating to the same subject.

SB 349-By Sims, Carter, Bland, Bentley and Steelman.

An Act to repeal section 376.1209, RSMo 2000, relating to breast cancer, and to enact in lieu thereof one new section relating to the same subject.

SB 350-By Sims.

An Act to amend chapter 316, RSMo, by adding thereto three new sections relating to the regulation of hay rides, with penalty provisions.

SB 351-By Singleton and Scott.

An Act to repeal sections 488.5336, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150 and 590.180, RSMo 2000, relating to selection and training of peace officers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 352-By Johnson.

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to capital improvements.

SB 353-By Johnson.

An Act to repeal section 163.011, RSMo 2000, relating to recalculated tax rates for school districts, and to enact in lieu thereof one new section relating to the same subject.

SB 354-By Johnson and Scott.

An Act to amend chapter 105, RSMo, by adding thereto two new sections relating to Missouri commission on total compensation.

SB 355-By Steelman.

An Act to repeal section 407.020, RSMo 2000, relating to merchandising practices, and to enact in lieu thereof one new section relating to the same subject.

SB 356-By Schneider.

An Act to repeal section 303.041 as enacted in house bill no. 1797 by the ninetieth general assembly, second regular session and as enacted in senate bill no. 19 by the ninetieth general assembly, first regular session, relating to administrative procedure, and to enact in lieu thereof one new section relating to the same subject.

SB 357-By Schneider.

An Act to repeal section 337.029 as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479, 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 & 1428, eighty-ninth general assembly, second regular session, section 337.029 as enacted by house committee substitute for senate committee substitute for senate bill no. 732 of the eighty-ninth general assembly, second regular session, and section 337.510, RSMo 2000, relating to professional services, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 358-By Schneider.

An Act to repeal section 517.011, RSMo 2000, relating to procedure before certain associate circuit judges, and to enact in lieu thereof one new section relating to the same subject.

SB 359-By Schneider.

An Act to repeal section 516.500, RSMo 2000, relating to court procedures.

SB 360-By Schneider.

An Act to repeal sections 302.535 and 479.500, RSMo 2000, relating to court procedures, and to enact in lieu thereof two new sections relating to the same subject.

SB 361-By Bentley.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to the Missouri CASA fund.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 23, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Mel Carnahan and submitted to you on January 3, 2001 for your advice and consent:

Lawrence Kahn, M.D., Democrat, 21 Midpark Lane, Ladue, St. Louis County, Missouri 63124, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2004, and until his successor is duly appointed and qualified; vice, Susanne B. Hoffmann, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Quick moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 181--Civil and Criminal Jurisprudence.

SB 182--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 183--Judiciary.

SB 184--Aging, Families and Mental Health.

SB 185--Transportation.

SB 186--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 187--Judiciary.

SB 188--Ways and Means.

SB 189--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 190--Commerce and Environment.

SB 191--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 192--Judiciary.

SB 193--Insurance and Housing.

SB 194--Insurance and Housing.

SB 195--Ways and Means.

SB 196--Local Government and Economic Development.

SB 197--Local Government and Economic Development.

SB 198--Local Government and Economic Development.

SB 199--Civil and Criminal Jurisprudence.

SB 200--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

SCR 8--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Quick referred **SCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 362--By House, Kenney, Bentley, Stoll and Foster.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund.

CONCURRENT RESOLUTIONS

Senator Singleton moved that **SCR 2** be taken up for 3rd reading and final passage, which motion prevailed.

Senator Singleton moved that **SCR 2** be 3rd read and finally passed.

Senator Schneider was recognized to inquire of Senator Jacob.

Senator Singleton rose, under the provisions of Senate Rule 78, stating that he had taken exception to the statement made by Senator Schneider referring to him as a star and also to the statement that the hearing on **SCR 2** was held at 3:00 p.m. in order to have television coverage present.

At the request of Senator Singleton, the motion for 3rd reading and final passage was withdrawn, placing the concurrent resolution on the calendar.

RESOLUTIONS

Senator House offered Senate Resolution No. 92, regarding Mr. And Mrs. J. William "Bill" Crouch, Wellsville, which was adopted.

Senators House and Gross offered Senate Resolution No. 93, regarding Harlan A. Pals, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 94, regarding James Rasmussen, St. Peters, which was adopted.

Senator Gibbons offered Senate Resolution No. 95, regarding William (Bill) Combs, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 96, regarding Fred W. Ruegg, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 97, regarding Franklin McCallie, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 98, regarding Pam McIntyre, Kirkwood, which was adopted.

COMMUNICATIONS

Senator DePasco and Senator Kenney submitted the following:

January 22, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in Senate Committee Room 1. All members were present and voted unanimously to approve the St. Louis/Kansas City Regional Transportation Caucus. (See attached list)

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco, Co-Chairman

/s/ Bill Kenney

Bill Kenney, Co-Chairman

Rules, Joint Rules, Resolutions and Ethics Committee

St. Louis/Kansas City Regional Transportation Caucus Members:

Senator Anita Yeckel, District 1 Senator Steve Stoll, District 22

Senator Ted House, District 2 Senator Chuck Gross, District 23

Senator John Scott, District 3 Senator Betty Sims, District 24

Senator Paula Carter, District 5 Senator David Klarich, District 26

Senator John Loudon, District 7 Senator Harold Caskey, District 31

Senator Bill Kenney, District 8 Rep. Bill Skaggs, District 31

Senator Mary Bland, District 9 Rep. Tom Hoppe, District 46

Senator Harry Wiggins, District 10 Rep. Joan Bray, District 84

Senator Ronnie DePasco, District 11 Rep. Bill Boucher, District 48

Senator Wayne Goode, District 13 Rep. David Levin, District 82

Senator John Schneider, District 14 Rep. John Griesheimer, District 109

Senator Mike Gibbons, District 15 Rep. Cindy Ostmann, District 14

Senator Ed Quick, District 17 Rep. Carson Ross, District 55

Senator Jim Mathewson, District 21

Senator Kinder submitted the following:

January 23, 2001

The Honorable Michael Gibbons

MO Senate

State Capitol

Jefferson City, MO 65101

Dear Senator Gibbons:

Please be advised that I have appointed you as a member of the Joint Committee on Administrative Rules (Chapter 536, RSMo). You will replace Senator Steve Ehlmann.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

Co-President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Brent Mendenhall, Nevada.

Senator DePasco introduced to the Senate, Emily Smith, Kansas City.

Senator Russell introduced to the Senate, David Franklin, Camden County; and Robert C. Walters, Richland.

Senator Carter introduced to the Senate, Jared Swanegan, Kirksville.

Senator Bland introduced to the Senate, Mike Wood, Angie Witt, Warren Brodine, Ben Pettus and Samuel Rodger, Kansas City.

The President introduced to the Senate, the Physician of the Day, Dr. Robert W. Jackson, D.O., Kirksville.

On motion of Senator DePasco, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTEENTH DAY-WEDNESDAY, JANUARY 24, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 201-Sims

SB 202-Wiggins

SB 203-Scott

SB 204-House

SB 205-Bland

SB 206-Wiggins

SB 207-Klarich

SB 208-Sims

SB 209-DePasco

SB 210-DePasco

SB 211-DePasco

SB 212-Gross, et al

SB 213-Gross, et al

SB 214-Gross, et al

SB 215-Gross

SB 216-Scott

SB 217-Russell

SB 218-Russell

SB 219-Mathewson

SB 220-Kinder and Gross

SB 221-Westfall

SB 222-Caskey

SB 223-Caskey

SB 224-Russell

SB 225-Mathewson

SB 226-Goode, et al

SB 227-Jacob

SB 228-Jacob

SB 229-Jacob

SB 230-Childers

SB 231-Gross

SB 232-Gross

SB 233-Wiggins

SB 234-Wiggins

SB 235-Sims

SB 236-Sims

SB 237-Westfall

SB 238-Staples, et al

SB 239-Stoll

SB 240-Stoll and Bentley

SB 241-Rohrbach

SB 242-Kenney

SB 243-DePasco

SB 244-Staples

SB 245-Caskey

SB 246-Caskey

SB 247-Westfall and

Staples

SB 248-Wiggins and

DePasco

SB 249-Wiggins

SB 250-Bentley and

Johnson

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and

Caskey

SB 266-Bland, et al

SB 267-Klarich and Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 287-Klarich

SB 288-Klarich

SB 289-Sims

SB 290-Wiggins and

DePasco

SB 291-Westfall

SB 292-Singleton

SB 293-Steelman

SB 294-Steelman

SB 295-Stoll and Staples

SB 296-Gross

SB 297-DePasco

SB 298-Quick

SB 299-Quick

SB 300-Rohrbach

SB 301-Johnson

SB 302-Johnson, et al

SB 303-Johnson

SB 304-Klarich

SB 305-Jacob

SB 306-Jacob

SB 307-Jacob

SB 308-Jacob

SB 309-Steelman

SB 310-Quick

SB 311-Mathewson

SB 312-Caskey

SB 313-Caskey

SB 314-Steelman

SB 315-Childers

SB 316-Stoll

SB 317-Stoll

SB 318-Sims

SB 319-Carter

SB 320-Goode

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 329-Yeckel and Stoll

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SB 333-DePasco

SB 334-Kinder

SB 335-Kinder

SB 336-Caskey and House

SB 337-House and Kinder

SB 338-House

SB 339-Stoll and Childers

SB 340-Stoll and Childers

SB 341-Jacob

SB 342-Jacob

SB 343-Scott

SB 344-Rohrbach and Jacob

SB 345-House

SB 346-Caskey

SB 347-Caskey

SB 348-Sims

SB 349-Sims, et al

SB 350-Sims

SB 351-Singleton and Scott

SB 352-Johnson

SB 353-Johnson

SB 354-Johnson and Scott

SB 355-Steelman

SB 356-Schneider

SB 357-Schneider

SB 358-Schneider

SB 359-Schneider

SB 360-Schneider

SB 361-Bentley

SB 362-House, et al

SJR 10-Quick

SJR 11-Yeckel

RESOLUTIONS

SR 58-Singleton

HCR 3-Crump (DePasco)

To be Referred

SCR 10-Staples

SCR 11-Caskey

Reported from Committee

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY--WEDNESDAY, JANUARY 24, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"A word fitly spoken is like gold." (Proverbs 25:11)

Gracious God, we are so mindful how people listen closely to what we have to say; some to rejoice in what is said, others listen to criticize and disagree. Help us to prepare well for what we have to say and write, to be efficient and aware of our audience. And may we be ever mindful of the power of our words and the good and harm they can do. Bless us with the study and discipline we need to convey what is needed to be accomplished here. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		

Absent with leave--Senator Yeckel--1

Vacancies--3

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 99

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Cecelia Marie Burke, of Kansas City; and

WHEREAS, Mrs. Burke, a lifelong resident of Kansas City, was the daughter of the late Bill and Teresa Haney; and

WHEREAS, Mrs. Burke had been associated with the University of Missouri for many years and retired from the UMKC bookstore as a book buyer; and

WHEREAS, Mrs. Burke had been associated with many community efforts and causes, particularly Rockhurst High School and St. Peter's Catholic Church; and

WHEREAS, Mrs. Burke was most of all a loving mother and grandmother in whose heart and love her family always came first;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of Mrs. Cecelia Marie Burke, express their appreciation for her lifetime of good citizenship and her contribution to Kansas City and to Missouri, and extend to her family and many friends most sincere sympathy on her death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for her sons, Jerry and Michael Burke; and daughters Terry Robinson, Maureen Burke and Pat DeLorenzi.

Senators Russell and Westfall offered Senate Resolution No. 100, regarding the Honorable Theodore B. "Ted" Scott, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 363--By Scott.

An Act to repeal sections 167.031 and 167.051, RSMo 2000, relating to compulsory attendance age for public school, and to enact in lieu thereof two new sections relating to the same subject.

SB 364--By Jacob.

An Act to repeal sections 174.610 and 174.620, RSMo 2000, relating to certain institutions of higher education, and to enact in lieu thereof six new sections relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 201--Education.

SB 202--Commerce and Environment.

SB 203--Ways and Means.

SB 204--Ways and Means.

SB 205--Ways and Means.

SB 206--Commerce and Environment.

SB 207--Judiciary.

SB 208--Ways and Means.

SB 209--Civil and Criminal Jurisprudence.

SB 210--Local Government and Economic Development.

SB 211--Civil and Criminal Jurisprudence.

SB 212--Ways and Means.

SB 213--Ways and Means.

SB 214--Civil and Criminal Jurisprudence.

SB 215--Civil and Criminal Jurisprudence.

SB 216--Public Health and Welfare.

SB 217--Civil and Criminal Jurisprudence.

SB 218--Ways and Means.

SB 219--Public Health and Welfare.

SB 220--Commerce and Environment.

SB 221--Ways and Means.

SB 222--Civil and Criminal Jurisprudence.

SB 223--Civil and Criminal Jurisprudence.

SB 224--Civil and Criminal Jurisprudence.

SB 225--Aging, Families and Mental Health.

SB 226--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 227--Insurance and Housing.

SB 228--Ways and Means.

SB 229--Commerce and Environment.

SB 230--Local Government and Economic Development.

SB 231--Local Government and Economic Development.

SB 232--Civil and Criminal Jurisprudence.

SB 233--Judiciary.

SB 234--Ways and Means.

SB 235--Public Health and Welfare.

SB 236--Aging, Families and Mental Health.

SB 237--Transportation.

SB 238--Agriculture, Conservation, Parks and Tourism.

SB 239--Education.

SB 240--Public Health and Welfare.

SB 241--Insurance and Housing.

SB 242--Education.

SB 243--Local Government and Economic Development.

SB 244--Transportation.

SB 245--Civil and Criminal Jurisprudence.

SB 246--Civil and Criminal Jurisprudence.

SB 247--Commerce and Environment.

SB 248--Pensions and General Laws.

SB 249--Ways and Means.

SB 250--Agriculture, Conservation, Parks and Tourism.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 365--By Steelman.

An Act to repeal section 67.1360, RSMo 2000, relating to tourism taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 366--By House.

An Act to repeal sections 288.032, 288.034 and 288.100, RSMo 2000, relating to the correction of certain statutory cross-references in chapter 288 of the revised statutes of Missouri, and to enact in lieu thereof three new sections relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Singleton moved that **SCR 2** be taken up for 3rd reading and final passage, which motion prevailed.

Senator Singleton moved that **SCR 2** be read the 3rd time and finally passed.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 2, Page 63 of the Senate Journal, by striking the 6th Whereas clause and substitute the following:

"WHEREAS, the salary adjustments recommended by the commission are subject to appropriation by the General Assembly."

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Singleton, the motion for 3rd reading and final passage was withdrawn, placing **SCR 2**, with **SA 1** (pending) on the calendar.

REFERRALS

President Pro Tem Quick referred **SCR 10** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 11--Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Bruce Renner and Jeff Rineholt, Springfield.

Senator Childers introduced to the Senate, Stan Melton, Angie Mulling and Ann Marie Shy, Springfield.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Joseph Hanaway, M.D., St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FOURTEENTH DAY-THURSDAY, JANUARY 25, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and

Caskey

SB 266-Bland, et al

SB 267-Klarich and

Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 287-Klarich

SB 288-Klarich

SB 289-Sims

SB 290-Wiggins and

DePasco

SB 291-Westfall

SB 292-Singleton

SB 293-Steelman

SB 294-Steelman

SB 295-Stoll and Staples

SB 296-Gross

SB 297-DePasco

SB 298-Quick

SB 299-Quick

SB 300-Rohrbach

SB 301-Johnson

SB 302-Johnson, et al

SB 303-Johnson

SB 304-Klarich

SB 305-Jacob

SB 306-Jacob

SB 307-Jacob

SB 308-Jacob

SB 309-Steelman

SB 310-Quick

SB 311-Mathewson

SB 312-Caskey

SB 313-Caskey

SB 314-Steelman

SB 315-Childers

SB 316-Stoll

SB 317-Stoll

SB 318-Sims

SB 319-Carter

SB 320-Goode

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 329-Yeckel and Stoll

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SB 333-DePasco

SB 334-Kinder

SB 335-Kinder

SB 336-Caskey and House

SB 337-House and Kinder

SB 338-House

SB 339-Stoll and Childers

SB 340-Stoll and Childers

SB 341-Jacob

SB 342-Jacob

SB 343-Scott

SB 344-Rohrbach and Jacob

SB 345-House

SB 346-Caskey

SB 347-Caskey

SB 348-Sims

SB 349-Sims, et al

SB 350-Sims

SB 351-Singleton and

Scott

SB 352-Johnson

SB 353-Johnson

SB 354-Johnson and Scott

SB 355-Steelman

SB 356-Schneider

SB 357-Schneider

SB 358-Schneider

SB 359-Schneider

SB 360-Schneider

SB 361-Bentley

SB 362-House, et al

SB 363-Scott

SB 364-Jacob

SB 365-Steelman

SB 366-House

SJR 10-Quick

SJR 11-Yeckel

RESOLUTIONS

SR 58-Singleton

HCR 3-Crump (DePasco)

Reported from Committee

SCR 2-Singleton, with

SA 1 (pending)

Journal of the Senate

FIRST REGULAR SESSION

FOURTEENTH DAY--THURSDAY, JANUARY 25, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Show me Lord, your way, so that I may walk in your truth. Guide my heart to fear your name." (Psalm 86:6)

Almighty God, as we finish up this historic week and head for home we ask for the gift to be able to walk in Your pathways. Help us to make our time with loved ones and friends special and our worship remind us of our traditions and priorities of what is truly important. Bless us this time together that our ways follow Your ways and our love may be like Yours. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		
	Absent with leave--Senator Yeckel--1		
	Vacancies--3		
	The Lieutenant Governor was present.		

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 101, regarding Carolyn Baker, Sedalia, which was adopted.

Senator Kinder offered Senate Resolution No. 102, regarding Mr. Richard Kinder, Houston, Texas, which was adopted.

Senator Kinder offered Senate Resolution No. 103, regarding Dr. and Mrs. Jerry Kinder, Cape Girardeau, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 367-By Steelman.

An Act to repeal section 354.606, RSMo 2000, relating to health insurance, and to enact in lieu thereof one new section relating to the same subject.

SB 368-By Childers.

An Act to repeal sections 254.020 and 254.040, RSMo 2000, relating to forestry, and to enact in lieu thereof three new sections relating to the same subject.

SB 369-By Steelman and Stoll.

An Act to amend chapter 67, RSMo, by adding thereto nine new sections relating to utility access to public rights-of-way.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 24, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Mel Carnahan and submitted to you on January 3, 2001 for your advice and consent:

John P. Madigan, Jr., Democrat, 16 Robyn Point, Osage Beach, Camden County, Missouri 65065, as member of the Labor and Industrial Relations Commission of Missouri hereby designated as the representative of the public and who is licensed to practice law in the state of Missouri, for a term ending June 27, 2000, and until his successor is duly appointed and qualified; vice, Christopher Kelly, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 25, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lowell Mohler, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as Director of the Department of Agriculture, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, John L. Saunders, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 25, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol Russell Fischer, 1025 Carol Street, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Revenue, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Quentin C. Wilson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Quick moved that the appointment of John P. Madigan, Jr., be returned to the Governor pursuant to his request, which motion prevailed.

President Pro Tem Quick referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Co-Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments

and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Nancy Russell Mikkelsen, as a member of the State Board of Registration for the Healing Arts;

Also,

Keith E. Spare and Susan B. Lile, as members, and Pier C. Patterson, as a public member of the Committee for Professional Counselors;

Also,

Michelle Y. Smart, as a public member of the Board of Geologist Registration;

Also,

Susan A. Colgan, as a member of the Missouri Western State College Board of Regents;

Also,

Arie L. Crawford, as a public member of the Advisory Committee for 911 Service Oversight;

Also,

Charles H. Hoessle, as a member of the Harris-Stowe State College Board of Regents;

Also,

Katherine K. Wesselschmidt, Susan E. Hazelwood, John T. Witherspoon and William P. Darby, as members of the Safe Drinking Water Commission;

Also,

Jerry Dean Gladden, as a member of the Personnel Advisory Board;

Also,

Marilyn Taylor Williams, as Director of the Division of Professional Registration;

Also,

Michael L. Hartmann, as Commissioner of the Office of Administration;

Also,

Kay Lynne Myers and Terry Bloomberg, as members of the Children's Trust Fund Board;

Also,

Shirley A. Fearon, as a member of the State Mental Health Commission;

Also,

Charles E. Braithwait, as a member of the Missouri Housing Development Commission;

Also,

Delores A. Hudson, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Charles H. Kemper, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

R. Marie Carmichael, as a member of the Coordinating Board for Higher Education;

Also,

Michael F. Shanahan, Jr., as a member of the St. Louis Regional Convention and Sports Complex Authority;

Also,

Susan W. Nall, as a public member of the Video Instructional Development Education Opportunity Fund;

Also,

Dorothy M. Creager, Mann H. Jawad and Donald W. Link, as members of the Board of Boiler and Pressure Vessel Rules.

Senator Kinder moved that the committee reports be adopted and requested unanimous consent that they be voted on in one motion, which request was denied.

Senator Kinder requested that the committee report on Marilyn Taylor Williams be temporarily withdrawn, which request was granted.

Senator Kinder moved that the remaining committee reports be adopted and requested unanimous consent that they be voted on in one motion.

At the request of Senator Kinder, the above motion and request were withdrawn.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Nancy Russell Mikkelsen, as a member of the State Board of Registration for the Healing Arts, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Quick moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Keith E. Spare, as a member of the Committee for Professional Counselors, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Susan B. Lile, as a member of the Committee for Professional Counselors, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gibbons moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Susan A. Colgan, as a member of the Missouri Western State College Board of Regents, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Johnson moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Arie L. Crawford, as a public member of the Advisory Committee for 911 Service Oversight, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rohrbach moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Charles H. Hoessle, as a member of the Harris-Stowe State College Board of Regents, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Yeckel, Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Katherine K. Wesselschmidt, as a member of the Safe Drinking Water Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Yeckel, Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Susan E. Hazelwood, as a member of the Safe Drinking Water Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Jacob, Senator Quick moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John T. Witherspoon, as a member of the Safe Drinking Water Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Bentley moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William P. Darby, as a member of the Safe Drinking Water Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gibbons moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Jerry Dean Gladden, as a member of the Personnel Advisory Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Steelman, Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael L. Hartmann, as Commissioner of the Office of Administration, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Jacob, Senator Quick moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kay Lynne Myers, as a member of the Children's Trust Fund Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Quick moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Terry Bloomberg, as a member of the Children's Trust Fund Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Shirley A. Fearon, as a member of the State Mental Health Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Charles E. Braithwait, as a member of the Missouri Housing Development Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Caskey moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Delores A. Hudson, as a member of the Health and Educational Facilities Authority of the State of Missouri, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Caskey moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Charles H. Kemper, as a member of the Missouri Public Entity Risk Management Board of Trustees, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator House, Senator Quick moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of R. Marie Carmichael, as a member of the Coordinating Board for Higher Education, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Bentley moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael F. Shanahan, Jr., as a member of the St. Louis Regional Convention and Sports Complex Authority, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Klarich moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Susan W. Nall, as a public member of the Video Instructional Development Education Opportunity Fund, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Dorothy M.

Creager, as a member of the Board of Boiler and Pressure Vessel Rules, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Kenney moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Mann H. Jawad, as a member of the Board of Boiler and Pressure Vessel Rules, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Yeckel, Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Donald W. Link, as a member of the Board of Boiler and Pressure Vessel Rules, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Yeckel, Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Pier C. Patterson, as a public member of the Committee for Professional Counselors, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Goode moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michelle Y. Smart, as a public member of the Board of Geologist Registration, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Goode moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **HCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **HCR 3** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kenney	Kinder	Klarich	Loudon
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman

Stoll	Westfall	Wiggins--27
	NAYS--Senators--None	
	Absent--Senators	
Mathewson	Quick--2	
	Absent with leave--Senators	
House	Yeckel--2	
	Vacancies--3	

Senator Singleton moved that **SCR 2**, with **SA 1** (pending), be taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Schneider, **SA 1** was withdrawn.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Concurrent Resolution No. 2, Page 63 of the Journal, by striking the 6th Whereas clause and substitute the following:

"WHEREAS, the salary adjustments recom-mended by the commission are subject to appropriation by the General Assembly and that no increase in compensation shall take effect unless and until the same is appropriated.".

Senator Schneider moved that the above amendment be adopted.

Senator Singleton requested a roll call be taken on the adoption of **SA 2** and was joined in his request by Senators Childers, Kenney, Rohrbach and Sims.

SA 2 was adopted by the following vote:

	YEAS--Senators		
Bland	Carter	Caskey	DePasco
Foster	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Quick
Russell	Schneider	Scott	Sims
Staples	Stoll	Wiggins--19	
	NAYS--Senators		
Bentley	Childers	Gibbons	Gross
Loudon	Rohrbach	Singleton	Steelman
Westfall--9			
	Absent--Senator Goode--1		
	Absent with leave--Senators		
House	Yeckel--2		
	Vacancies--3		

Senator Schneider offered **SS** for **SCR 2**:

SENATE CONCURRENT RESOLUTION NO. 2

Rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, in November 1994, the people of Missouri established in the Missouri Constitution an independent citizen's commission that was given primary responsibility to establish a schedule of compensation for public officials based upon a review and study of the duties of elected state officials, judges and members of the General Assembly; and

WHEREAS, the Commission has faithfully undertaken its responsibility and submitted a compensation schedule that provides for a maximum increase in compensation for the affected public officials up to the amount of 5.5%; and

WHEREAS, the percentage increase recommended by the Citizen's Commission on Compensation for Elected Officials was based upon recommendations made by the Personnel Advisory Board and the Ad Hoc Task Force on Total Compensation for all state employees for fiscal years 2001-2002 and 2002-2003; and

WHEREAS, the Citizen's Commission report makes clear that the Commission intended public officials should be treated the same as all other state employees; and

WHEREAS, the increases ultimately adopted for all state employees may well not be those recommended by the Commission when its schedule was approved and filed; and

WHEREAS, the General Assembly believes that public officials should not receive any cost-of-living increase in compensation, if at all, in excess of the average salary adjustment provided to other state employees; and

WHEREAS, the Missouri Constitution clearly provides that the recommendations of the Commission are subject to appropriations, and therefore may be reduced or rejected by the General Assembly and no increase shall take effect unless and until appropriated:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the First Regular Session of the Ninety-first General Assembly, the House of Representatives concurring therein, that no increase in compensation for public officials shall be approved or appropriated for fiscal year 2002, if at all, in excess of the average provided to state employees as authorized by Section 105.005, RSMo; and

BE IT FURTHER RESOLVED that the General Assembly hereby rejects the increase in compensation recommended by the Citizen's Commission on Compensation for Elected Officials for fiscal year 2002 to the extent that it exceeds the average amount of increase in compensation as may be provided to state employees for fiscal year 2002; and

BE IT FURTHER RESOLVED that nothing in this resolution shall be interpreted to require that any cost-of-living increase shall be provided to public officials, the recommendation of the Citizen's Commission on Compensation for Elected Officials notwithstanding.

Senator Schneider moved that **SS** for **SCR 2** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Carter, Staples, Stoll and Wiggins.

SS for **SCR 2** was adopted by the following vote:

YEAS--Senators

Bland	Carter	Caskey	DePasco
Goode	Jacob	Johnson	Kinder
Mathewson	Quick	Schneider	Scott
Sims	Staples	Stoll	Wiggins--16

NAYS--Senators

Bentley	Childers	Foster	Gibbons
Gross	Kenney	Klarich	Loudon
Rohrbach	Russell	Singleton	Steelman

Westfall--13

Absent--Senators--None

Absent with leave--Senators

House Yeckel--2

On motion of Senator Singleton, **SS** for **SCR 2** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins--28

NAYS--Senator Singleton--1

Absent--Senators--None

Absent with leave--Senators

House Yeckel--2

Vacancies--3

The President declared the concurrent resolution passed.

On motion of Senator Singleton, title to the concurrent resolution was agreed to.

Senator Singleton moved that the vote by which the concurrent resolution passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Co-Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Marilyn Taylor Williams, as Director of the Division of Professional Registration, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Foster moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Mathewson and Senator Childers, Co-Chairs of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 256**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 370-By Caskey and Goode.

An Act to repeal sections 456.012, 456.013, 456.700, 456.710, 456.720, 456.730, 456.740, 456.750, 456.760, 456.770, 456.780, 456.790, 456.800, 456.810, and 456.820, RSMo 2000, relating to trusts and estates, and to enact in lieu thereof thirty-five new sections relating to the same subject.

SB 371-By Scott.

An Act to repeal sections 104.170, 104.312, 104.330, 104.339, 104.343, 104.372, 104.374, 104.395, 104.401, 104.420, 104.450, 104.515, 104.518, 104.530, 104.600, 104.601, 104.602, 104.620, 104.1003, 104.1024, 104.1030, 104.1051, 104.1072, 104.1078, 104.1093, 226.092, 226.160 and 476.524, RSMo 2000, relating to public retirement systems, and to enact in lieu thereof twenty-seven new sections relating to the same subject.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 104, regarding Leland and Renee Cunningham, Clinton, which was adopted.

Senator Klarich offered Senate Resolution No. 105, regarding Tyler Gabbert, Ballwin, which was adopted.

Senator Gross offered Senate Resolution No. 106, regarding Jeffrey William Bucher, St. Peters, which was adopted.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

January 24, 2001

The Honorable John Scott

Missouri State Senate

State Capitol Building, Room 416

Jefferson City, MO 65101

Dear Senator Scott,

Please be advised that we are hereby appointing you to serve on the Missouri State Public Employees Deferred Compensation Commission (Chapter 105.910,RSMo). You will replace Senator Lacy Clay.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Ed Quick /s/ Peter Kinder

Edward E. Quick Peter D. Kinder

Senate President Pro Tem Senate Co-Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Senator-elect John Cauthorn, Mexico; Dave Barklage, Cape Girardeau; former State Representative Jim Howerton, Chilhowee; James Harris, Washington; Aaron Washburn, Monett; and Neil English, Jefferson City.

Senator Klarich introduced to the Senate, the Physician of the Day, Tom Saak, M.D., Ballwin.

Senator Loudon introduced to the Senate, his wife, Dr. Gina Gentry Loudon, Ballwin.

Senator Childers introduced to the Senate, Megan, Caleb and Greg Lilley, Homeschoolers from Branson; and Megan,

Caleb and Greg were made honorary pages.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, January 29, 2001.

SENATE CALENDAR

FIFTEENTH DAY-MONDAY, JANUARY 29, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 251-Kinder

SB 252-Singleton

SB 253-Gross

SB 254-Gross and Foster

SB 255-Gross, et al

SB 257-Caskey

SB 258-Rohrbach and

Schneider

SB 259-Childers, et al

SB 260-Gross and Stoll

SB 262-Stoll

SB 263-Stoll

SB 264-Steelman

SB 265-Schneider and

Caskey

SB 266-Bland, et al

SB 267-Klarich and
Schneider

SB 268-Schneider

SB 269-Schneider

SB 270-Schneider

SB 271-Schneider

SB 272-DePasco

SB 273-Caskey

SB 274-Caskey

SB 275-Sims

SB 276-Sims

SB 277-Sims

SB 278-Westfall

SB 279-Staples

SB 280-Yeckel, et al

SB 281-Yeckel

SB 282-Klarich

SB 283-Steelman

SB 284-Steelman

SB 285-Steelman

SB 287-Klarich

SB 288-Klarich

SB 289-Sims

SB 290-Wiggins and
DePasco

SB 291-Westfall

SB 292-Singleton

SB 293-Steelman

SB 294-Steelman

SB 295-Stoll and Staples

SB 296-Gross

SB 297-DePasco

SB 298-Quick

SB 299-Quick

SB 300-Rohrbach

SB 301-Johnson

SB 302-Johnson, et al

SB 303-Johnson

SB 304-Klarich

SB 305-Jacob

SB 306-Jacob

SB 307-Jacob

SB 308-Jacob

SB 309-Steelman

SB 310-Quick

SB 311-Mathewson

SB 312-Caskey

SB 313-Caskey

SB 314-Steelman

SB 315-Childers

SB 316-Stoll

SB 317-Stoll

SB 318-Sims

SB 319-Carter

SB 320-Goode

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 329-Yeckel and Stoll

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SB 333-DePasco

SB 334-Kinder

SB 335-Kinder

SB 336-Caskey and House

SB 337-House and Kinder

SB 338-House

SB 339-Stoll and Childers

SB 340-Stoll and Childers

SB 341-Jacob

SB 342-Jacob

SB 343-Scott

SB 344-Rohrbach and Jacob

SB 345-House

SB 346-Caskey

SB 347-Caskey

SB 348-Sims

SB 349-Sims, et al

SB 350-Sims

SB 351-Singleton and

Scott

SB 352-Johnson

SB 353-Johnson

SB 354-Johnson and Scott

SB 355-Steelman

SB 356-Schneider

SB 357-Schneider

SB 358-Schneider

SB 359-Schneider

SB 360-Schneider

SB 361-Bentley

SB 362-House, et al

SB 363-Scott

SB 364-Jacob

SB 365-Steelman

SB 366-House

SB 367-Steelman

SB 368-Childers

SB 369-Steelman and Stoll

SB 370-Caskey and Goode

SB 371-Scott

SJR 10-Quick

SJR 11-Yeckel

SB 256-Caskey

RESOLUTIONS

SR 58-Singleton

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY--MONDAY, JANUARY 29, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Let the wise also hear and gain in learning, and the discerning acquire skill." (Proverbs 1:5)

Blessed God, we thank You for another moment of new beginnings within the long tradition and history of this Senate. We thank You for those who join this body this week, to take up the reigns of responsibility and serve with those already here. Strengthen us with the resolve to always follow Your pathways and to do what You deem best for the people of Missouri. And watch over us this week and the challenges of each new day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 25, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators--None			
Vacancies--3			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator House offered Senate Resolution No. 107, regarding Laura Smith, Bowling Green, which was adopted.

Senator House offered Senate Resolution No. 108, regarding Charlie W. Wright, Sr., Bowling Green, which was adopted.

Senator Bland offered Senate Resolution No. 109, regarding the death of Clarence Martin "Sonny" Kenner, Kansas City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 110, regarding National TRIO Day, which was adopted.

Senator Rohrbach offered Senate Resolution No. 111, regarding the Sixtieth Wedding Anniversary of Mr. And Mrs. Jack Gaines, Jefferson City, which was adopted.

Senator Caskey offered Senate Resolution No. 112, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Fred George McQuillan, Raymore, which was adopted.

Senator Westfall offered Senate Resolution No. 113, regarding the One Hundredth Birthday of Leona Acuff, Strafford, which was adopted.

Senator House offered Senate Resolution No. 114, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Virgil Timmerberg, High Hill, which was adopted.

Senator Johnson offered Senate Resolution No. 115, regarding the 2000-2001 State Champion Platte County 3A Pirates Football Team, which was adopted.

Senator Johnson offered Senate Resolution No. 116, regarding Barbara Wilkerson, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 117, regarding the death of Jerald Winston "Skip" Tinnen, Plattsburg, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 372-By Gibbons.

An Act to repeal section 32.050, RSMo 2000, relating to the department of revenue, and to enact in lieu thereof six new sections relating to the same subject.

SB 373-By Gibbons and Yeckel.

An Act to repeal sections 135.400, 135.403, 135.408, 135.411, 135.423, 348.300, 348.302, 620.1039 and 620.1450, RSMo 2000, relating to tax relief in distressed communities, and to enact in lieu thereof nine new sections relating to the same subject, with an emergency clause.

SB 374-By Steelman.

An Act to repeal section 643.305, RSMo 2000, and to enact in lieu thereof one new section relating to emission banking and trading.

SB 375-By Steelman.

An Act to repeal sections 58.451, 58.740, 610.010, 610.015, 610.021, 610.022, 610.026, 610.027, 610.100, 610.105 and 610.200, RSMo 2000, relating to public records, and to enact in lieu thereof eleven new sections relating to the same subject.

SB 376-By Childers.

An Act to repeal section 447.543, RSMo 2000, relating to fire safety, and to enact in lieu thereof seven new sections relating to the same subject.

SB 377-By Singleton.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physician contracts with managed

care entities.

SB 378-By Singleton.

An Act to repeal section 52.250, RSMo 2000, relating to tax collection in certain counties, and to enact in lieu thereof one new section relating to the same subject.

SB 379-By Singleton.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to physician contracts with managed care entities.

SB 380-By House.

An Act to repeal section 288.090, RSMo 2000, relating to the implementation of the industrial classification system for determination of employer unemployment contributions, and to enact in lieu thereof one new section relating to the same subject.

COMMITTEE APPOINTMENTS

Co-Pro Tem Kinder appointed the following committee pursuant to **HCR 3**: Senators Mathewson, Bland, Carter, Wiggins, Goode, Kinder, Kenney, Steelman, Sims and Yeckel.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 251--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 252--Local Government and Economic Development.

SB 253--Pensions and General Laws.

SB 254--Transportation.

SB 255--Civil and Criminal Jurisprudence.

SB 257--Pensions and General Laws.

SB 258--Judiciary.

SB 259--Insurance and Housing.

SB 260--Pensions and General Laws.

SB 262--Education.

SB 263--Pensions and General Laws.

SB 264--Pensions and General Laws.

SB 265--Judiciary.

SB 266--Public Health and Welfare.

SB 267--Judiciary.

SB 268--Judiciary.

SB 269--Judiciary.

SB 270--Judiciary.

SB 271--Judiciary.

SB 272--Insurance and Housing.

SB 273--Public Health and Welfare.

SB 274--Local Government and Economic Development.

SB 275--Transportation.

SB 276--Education.

SB 277--Local Government and Economic Development.

SB 278--Pensions and General Laws.

SB 279--Civil and Criminal Jurisprudence.

SB 280--Ways and Means.

SB 281--Ways and Means.

SB 282--Civil and Criminal Jurisprudence.

SB 283--Public Health and Welfare.

SB 284--Education.

SB 285--Insurance and Housing.

SB 287--Transportation.

SB 288--Judiciary.

SB 289--Insurance and Housing.

SB 290--Pensions and General Laws.

SB 291--Civil and Criminal Jurisprudence.

SB 292--Judiciary.

SB 293--Commerce and Environment.

SB 294--Judiciary.

SB 295--Education.

SB 296--Aging, Families and Mental Health.

SB 297--Commerce and Environment.

SB 298--Local Government and Economic Development.

SB 299--Pensions and General Laws.

SB 300--Commerce and Environment.

SB 301--Local Government and Economic Development.

SB 302--Agriculture, Conservation, Parks and Tourism.

SB 303--Education.

SB 304--Judiciary.

SB 305--Transportation.

SB 306--Insurance and Housing.

SB 307--Ways and Means.

SB 308--Pensions and General Laws.

SB 309--Civil and Criminal Jurisprudence.

SB 310--Commerce and Environment.

SB 311--Local Government and Economic Development.

SB 312--Commerce and Environment.

SB 313--Insurance and Housing.

SB 314--Judiciary.

SB 315--Agriculture, Conservation, Parks and Tourism.

SB 316--Pensions and General Laws.

SB 317--Insurance and Housing.

SB 318--Public Health and Welfare.

SB 319--Education.

SB 320--Labor and Industrial Relations.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 381--By Klarich.

An Act to amend chapter 431, RSMo, by adding thereto one new section relating to contracts.

SB 382--By Yeckel and Stoll.

An Act relating to compliance with Title V of the Federal Gramm-Leach-Bliley Act of 1999, with an emergency clause.

SB 383-By Johnson.

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

SB 384-By House.

An Act to repeal sections 324.203, 324.205, 324.212 and 324.217, RSMo 2000, relating to regulation of dietitians, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

RESOLUTIONS

Senators Kinder and Klarich offered the following resolution:

SENATE RESOLUTION NO. 120

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-Sixth District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rules 25, 28, 44, 45 and 48 be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, [7] **9** members.
3. Committee on Agriculture, Conservation, Parks and Tourism, [11] **9** members.
4. Committee on Appropriations, [13] **9** members.
5. [Committee on Civil and Criminal Jurisprudence, 9 members.
- 6.] Committee on Commerce and Environment, 9 members.
- [7.] **6.** Committee on Education, [13] **11** members.
- [8.] **7.** Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, 9 members.
- [9.] **8.** Committee on Gubernatorial Appointments, [11] **9** members.
- [10.] **9.** Committee on Insurance and Housing, 9 members.
- [11.] **10.** Committee on Judiciary, 9 members.
- [12.] **11.** Committee on Labor and Industrial Relations, 9 members.
- [13.] **12.** Committee on Local Government and Economic Development, [7] **9** members.
- [14.] **13.** Committee on Legislative Research (statutory), 10 members.
- [15.] **14.** Committee on Pensions and General Laws, [7] **9** members.

[16.] **15.** Committee on Public Health and Welfare, 9 members.

[17.] **16.** Committee on Redistricting, [8] **9** members.

[18.] **17.** Committee on Rules, Joint Rules, Resolutions and Ethics, 9 members.

[19.] **18.** Committee on State Budget Control, 9 members.

[20.] **19.** Committee on Transportation, 9 members.

[21.] **20.** Committee on Ways and Means, [11] **9** members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. [The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6.] The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

[7.] **6.** The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

[8.] **7.** The Committee on Financial and Governmental Organization, Veterans' Affairs and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law and to military organizations and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

[9.] **8.** The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

[10.] **9.** The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

[11.] **10.** The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation. **The Committee shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.**

[12.] **11.** The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[13.] **12.** The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

[14.] **13.** The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

[15.] **14.** The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

[16.] **15.** The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

[17.] **16.** The Committee on Redistricting shall consider and report on all bills, resolutions and other matters referred to it relating to Congressional redistricting (Constitution, Article III, Section 45).

[18.] **17.** The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

[19.] **18.** The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

[20.] **19.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[21.] **20.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.

Rule 44. Beginning on July first of each year, members and members-elect may deposit bills and joint resolutions for the next regular session with the secretary of the senate at any time. [The secretary shall hold the bills and joint resolutions so deposited in the order filed. After the close of business on December first, the secretary shall assign numbers to bills and joint resolutions deposited in that office by seniority of the member first signing the measure, with a limit of three bills or joint resolutions per rotation of the seniority list from the total number of measures deposited.] All measures deposited [through December first] **prior to the beginning of the next general assembly or the next session of a general assembly** shall stand as pre-filed without further action by the member or member-elect. [At the close of business on each day thereafter until the opening day of the session, bills and joint resolutions received during the day shall be assigned numbers in the same manner, that is, by seniority from the total number of measures filed each day, with a limit of three bills or joint resolutions per rotation of the seniority list.]

Once filed, bills and joint resolutions shall not be changed except to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitutions be made therefor. Any bill may be withdrawn but the number shall not be reassigned once a number has been given.

[Seniority for the purposes of this rule shall be determined as follows:

- (1) Continuous senate service;
- (2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;
- (3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;
- (4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;
- (5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.]

Rule 45. There shall be a senate consent calendar. The sponsor of a senate bill shall first give notice of desire to have a bill placed upon the senate consent calendar by filing in writing, with the chairman of the committee to which the bill was referred, a notice of intent one day prior to a committee hearing. The notice of intent shall set forth the nature of the legislation, the fact that it is not a controversial bill, and a request that the senate committee recommend that the bill be placed upon the consent calendar. **A bill shall not be considered as consent if it increases net expenditures of the state by more than one hundred thousand dollars, reduces net revenue of the state by more than one hundred thousand dollars or if it contains penalty provisions.** The bill will go to the senate consent calendar if, a quorum being present, it receives a unanimous affirmative vote of do pass by all members present at the senate committee to which the bill was referred, and there is thereafter a motion made and unanimously carried by affirmative vote of all those present that it be placed upon the consent calendar. Any bill approved by committee, for consent, may be reported to the consent calendar at any time the Senate goes to the order of business of committee reports. When a bill is placed upon the consent calendar, third reading shall not commence until the fifth legislative day. During this four-day period, starting with the first day the bill appears on the consent calendar in the Journal any member or the Committee on Rules, Joint Rules and Resolutions may, by filing written objection, direct that it be returned to the senate committee from which it was reported for action in accordance with the rules of the senate. A bill placed upon the senate consent calendar shall not be subject to amendment, except for committee amendments, and after the committee amendments have been disposed of shall be third read as though it had previously been perfected. If returned to committee, the chairman may report the bill to the senate at the next time that order of business is taken up, without further action of the committee. No senate bill may be placed on the consent calendar after March fifteenth and no house bill shall be placed on the consent calendar after April fifteenth.

Rule 48. No bills, other than appropriation bills, shall be introduced in the senate after [March first] **February 15** of any regular session unless consented to by a majority of the elected members of the senate, and no bills other than appropriation bills shall be introduced in the senate after the sixtieth legislative day of any regular session, unless consented to by a majority of the elected members of the house and senate, or the governor requests consideration of the proposed legislation by a special message. (Constitution, Art. III, Sec. 25.)".

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 29, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Mel Carnahan and submitted to you on January 3, 2001 for your advice and consent:

John F. "Jack" Hunt, Republican, 407 Sutters Mill Road, St. Peters, St. Charles County, Missouri 63376, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2003, and until his successor is duly appointed and qualified; vice, Don W. Boschert, Jr., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Co-Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a like committee from the Senate pursuant to **HCR 3**. Representatives Skaggs, Crump, Shelton, Ford, Treadway, Troupe, Griesheimer, Hartzler, Ostmann and Enz.

Also, the Speaker has appointed the following escort committee for the Senators. Representatives Boucher, Brooks, Kennedy, Davis, Monaco, Gambaro, Nordwald, Robirds, Ballard and Boatright.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTEENTH DAY-TUESDAY, JANUARY 30, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 329-Yeckel and Stoll

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SB 333-DePasco

SB 334-Kinder

SB 335-Kinder

SB 336-Caskey and House

SB 337-House and Kinder

SB 338-House

SB 339-Stoll and Childers

SB 340-Stoll and Childers

SB 341-Jacob

SB 342-Jacob

SB 343-Scott

SB 344-Rohrbach and Jacob

SB 345-House

SB 346-Caskey

SB 347-Caskey

SB 348-Sims

SB 349-Sims, et al

SB 350-Sims

SB 351-Singleton and

Scott

SB 352-Johnson

SB 353-Johnson

SB 354-Johnson and Scott

SB 355-Steelman

SB 356-Schneider

SB 357-Schneider

SB 358-Schneider

SB 359-Schneider

SB 360-Schneider

SB 361-Bentley

SB 362-House, et al

SB 363-Scott

SB 364-Jacob

SB 365-Steelman

SB 366-House

SB 367-Steelman

SB 368-Childers

SB 369-Steelman and Stoll

SB 370-Caskey and Goode

SB 371-Scott

SB 372-Gibbons

SB 373-Gibbons and Yeckel

SB 374-Steelman

SB 375-Steelman

SB 376-Childers

SB 377-Singleton

SB 378-Singleton

SB 379-Singleton

SB 380-House

SB 381-Klarich

SB 382-Yeckel and Stoll

SB 383-Johnson

SB 384-House

SJR 10-Quick

SJR 11-Yeckel

SENATE BILLS FOR PERFECTION

SB 256-Caskey

RESOLUTIONS

SR 58-Singleton

SR 120-Kinder and Klarich

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY--TUESDAY, JANUARY 30, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Heavenly Father, You have given us the gift of conscience. You expect us to make judgments about what's right and wrong. Even so, in dealing with others You want us to put the best construction on what they say and do. You alone know the motives of our hearts and You alone will give the final verdict. So give us the courage and guidance to seek and do Your will and treat each other with respect. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney announced that photographers from KOMU-TV, KODE-TV and KOLR-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent with leave--Senators--None			
Vacancies--3			
The Lieutenant Governor was present.			

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 385-By Mathewson.

An Act to repeal sections 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190,

326.200, 326.210 and 326.230, RSMo 2000, relating to accountants, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

SB 386-By Singleton.

An Act to repeal section 149.065, RSMo 2000, relating to tobacco taxes, and to enact in lieu thereof three new sections relating to the same subject, with a referendum clause.

SB 387-By Goode, Singleton, Yeckel, Johnson, Stoll, Steelman, Staples, Kenney, Gross, Westfall, Childers, Kinder, Scott and Mathewson.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to allowing certain electrical corporations to recover certain costs, with an emergency clause.

REFERRALS

Co-Pro Tem Kinder referred **SR 120** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Kenney moved that the Senate recess to repair to the House of Representatives to receive the State of the State Address from His Excellency, Governor Bob Holden, which motion prevailed.

JOINT SESSIONThe Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent--Senators--None			
Absent with leave--Senators--None			
Vacancies--3			

On roll call the following Representatives were present:

Present--Representatives			
Abel	Baker	Ballard	Barnett
Barnitz	Barry (100)	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser
Black	Boatright	Bonner	Boucher
Bowman	Boykins	Bray (84)	Britt
Brooks	Burcham	Burton	Byrd
Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Copenhaver	Crowell
Crump	Cunningham	Curls	Davis (122)
Dempsey	Dolan	Dougherty	Enz

Fares	Farnen	Foley	Ford
Franklin	Fraser	Froelker	Gaskill
George	Graham	Gratz	Green (15)
Green (73)	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson
Hickey	Hohulin	Holand	Hollingsworth
Holt	Hosmer	Hunter	Jetton
Johnson (61)	Johnson (90)	Jolly	Kelly (144)
Kelly (27)	Kennedy	King	Klindt
Koller	Lawson	Legan	Levin
Liese	Linton	Lowe	Luetkemeyer
Luetkenhaus	Marble	Marsh	May (149)
Mayer	Mays (50)	McKenna	Merideth
Miller	Monaco	Moore	Myers
Naeger	Nordwald	O'Connor	O'Toole
Overschmidt	Phillips	Portwood	Ransdall
Rector	Reid	Reinhart	Relford
Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Scheve	Schwab
Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley
Troupe	VanZandt	Villa	Vogel
Wagner	Walton	Ward	Wiggins
Williams	Willoughby	Wilson (25)	Wilson (42)
Wright	Mr. Speaker--146		
Absent and Absent with Leave--Representatives			
Cooper	Crawford	Gambaro	Hilgemann
Hoppe	Kelley(47)	Kelly (36)	Lograsso
Long	Murphy	Ostmann	Patek
Purgason	Reynolds	Scott	Treadway--16
Vacancies--1			

The Joint Committee appointed to wait upon His Excellency, Governor Bob Holden, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

GOVERNOR HOLDEN'S REMARKS

STATE OF THE STATE ADDRESS--

HOUSE CHAMBERS

1/30/01

Mr. President, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Mr. Chief Justice, Members of the State Supreme Court, Members of the 91st General Assembly, and Citizens of the State of Missouri:

One of our greatest blessings is sharing the important moments in our life with those we love most.

I am truly blessed today.

Before I begin, I want to introduce my parents, Lee and Wanda Holden.

Mom and Dad, thanks for coming, and would you please stand.

Next I want you to meet two young men who are keeping things pretty lively in the Governor's Mansion these days--our sons, Robert and John D.

Boys, will you please stand.

Finally, saving the best for last, the First Lady in my life--the only lady from the moment I first saw her--and now the First Lady of the State of Missouri--Lori Hauser Holden.

Growing up near the small, rural town of Birch Tree, Missouri, taught me a great deal.

First of all, I learned how to make a dollar go a long way because we didn't have a lot of them.

But there were so many other riches that can't be measured in monetary terms.

A rich community spirit that demonstrated how much could be accomplished by working together toward a common goal.

A rich acceptance of people based on their self worth--not on how much they owned or how they looked.

A rich belief that solid values like honesty, loyalty, and responsibility, combined with lots of hard work, could lead to success.

And a deep understanding of the positive effect that love, support, and encouragement can have on a single life.

Along with my home, one of the first places I found that love, support, and encouragement was a little one-room schoolhouse, which housed all eight grades.

I don't remember a lot of details about my first day of school except my mother shedding a few tears as I started that mile and a half walk from our farm to the school.

But that mile and a half walk began a journey that would bring me to the door of the Governor's office.

Of course, at the time, I didn't realize how important that first walk was.

I was only six.

But on the other side of that school door...as the only boy in a class of three...I discovered a whole world of opportunities existed outside of Birch Tree.

The first teacher who inspired me to explore that world was a woman by the name of Bertha Smotherman.

I wanted Mrs. Smotherman to be with me today, but she recently suffered the loss of her husband.

I wanted her to be here so I could tell her that I've never forgotten what she wrote on my first grade report card.

I saved that grade card all these years, and today I'd like to read you what it says.

Mrs. Smotherman wrote: "I'll never forget how good Bobby has been all school year."

That compliment meant a lot to me, and I want her to know even if she is at home that I'll never forget how good she was to me all school year--how she touched my life.

Mrs. Smotherman, I'm still trying to be good--a good person, a good husband, a good father, and now a good Governor.

And you had a lot to do with those goals being important.

I want to thank you and all the rest of my teachers for the knowledge you shared and for making me believe that I had the power to take that knowledge and make a difference.

I'll never forget you.

Nor will I forget this day.

For this is a defining moment in our state's history.

Much like my first day of school, we are beginning this session with a clean slate.

A new Governor...a new legislature...a new century of opportunities.

And I believe we as public servants can explore those opportunities to benefit all Missourians if we follow the basic lessons I learned in Birch Tree so many years ago.

As those responsible for the state budget, we must provide Missourians with the assurance that their tax dollars go a long way.

We must set the example of working together--never allowing partisanship to stand in the way of the best interests of those we serve.

Our actions must champion the acceptance of people based on their self worth--regardless of status, appearance, or belief.

And our achievements must be guided by the recognition that some of our citizens have never experienced the advantages you and I received.

They have not experienced success, even though they hold solid values and work hard.

They have not known the love, support, and encouragement of family and community.

Yet a successful Missouri for all will only spring from opportunity for all.

BUDGET

Sometimes, opportunities come in the form of challenges.

This year presents one of those challenges in keeping Missouri's financial house in order.

Fortunately, we begin that task from a position of strength.

The leadership of the past eight years has created an environment conducive to economic growth.

Missouri remains a low tax, efficiently run state, according to all prominent national rankings.

According to recently published data from the United States Census Bureau, Missouri ranks 40th in the nation in per capita tax burden and 47th in state government expenditures per capita.

We are a fiscally conservative state and will remain so during my administration.

We're only one of a few states that have maintained our Triple-A bond rating from the major rating agencies.

And the national publication, *Governing Magazine*, considers Missouri one of the best managed states in the nation.

More Missourians are working than ever before.

Personal income is up.

And Missourians are enjoying unprecedented tax relief.

Thanks to bipartisan tax cuts, our citizens are paying \$753 million less in taxes than in 1992.

Since Fiscal Year 1999, our state's general revenue spending has grown slower than personal income, and since Fiscal Year 1995, we have refunded \$973 million to Missouri taxpayers.

However, even though our economic foundation is strong, we're now experiencing the same sluggishness that is being seen at the national level.

Our state revenue collections have slowed down, due to a decrease in capital gains from the stock market and slowing sales tax growth.

Last year's revenues came in \$116 million lower than projected.

At the same time, our costs to the state have risen higher than anyone anticipated.

The costs of federal mandates are more than estimated.

Health care costs for seniors and those with disabilities continue to rise.

And tax credits, which received widespread bipartisan support, are taking a much bigger bite out of our budget than anyone believed they would.

In Fiscal Year 1996, these tax credits cost the state almost \$50 million.

By Fiscal Year 2002, their price tag will reach over \$200 million.

In total, the combination of tax cuts, tax credits, and tax refunds have returned almost \$2 billion to Missouri taxpayers during the past six years.

It is only proper that Missouri taxpayers should share in our recent economic prosperity.

However, the combination of a slowing economy, deep tax cuts, and unexpected mandatory expenses have put stress on our state budget.

Therefore, the first priority of this legislative session must be to tighten our belts and deliver a balanced budget.

However, I will not allow this difficult situation to weaken our investment in the top priority of my administration--education.

Granted, this is not the budget situation any of us wanted.

It's certainly not the financial circumstances I wanted as I begin my administration.

Nor is it the financial situation many of you on both sides of the aisle foresaw when you were voting for tax cuts and tax credits during those years when revenue was growing more than expected.

But it is the economic reality we've been given.

Factors beyond our control have changed the economic climate dramatically.

Now our challenge is making that climate work for us in building a better Missouri.

I look forward to working with Senator Russell and Representative Green and their budget committee members in meeting this challenge.

I am committed to protecting the key priorities of most Missourians--education and prescription drug services.

But we must take the fiscally responsible actions necessary to keep our state's economy strong during the tough times, so we can continue to prosper in the good times.

EDUCATION

The best way we can invest in Missouri's future is by opening new educational opportunities for our children.

Education must be our number one priority.

The cornerstones of my plan to improve education include: adequate resources, quality teachers, parental involvement, accountability, technology, and a safe environment where students are ready to learn.

That task begins by ensuring that Missouri teachers and students have the resources they need to improve performance.

That's why my top priority this year will be to fully fund the school foundation formula.

Effective classroom resources are not enough by themselves.

We must have teachers like my first grade teacher Mrs. Smotherman, who can provide the best quality of instruction because they are the chief

determining factor in improving student performance.

We must encourage our teachers to strengthen their skills.

We can accomplish that goal through the National Board Certification program.

To receive this certification, teachers go through a rigorous one-year evaluation and examination period.

During this time, they must demonstrate a mastery of advanced national standards in their subject area.

Typically, this process involves more than 200 hours of after school work from teachers, detailing and reflecting upon their teaching approach and strategies.

We are honored to have one of those teachers here with us today from West Boulevard Elementary in Columbia--Sunita Bajpai.

And if you doubt how difficult it is to achieve this status, just talk to Sunita.

Less than one out of two teachers successfully complete the program the first time.

It's a great pleasure to introduce you to one of our excellent Missouri National Board Certified teachers.

We only have 44 teachers like her in the entire state.

Sunita, would you please stand.

I want to see one thousand teachers like Sunita in our state over the next four years of my administration.

Following the lead of the 15 states that have been at the forefront in training National Board Certified teachers, I am recommending a \$5,000 annual salary supplement for any Missouri teacher who completes this program.

And those who agree to help mentor other Missouri teachers for certification would receive a ten percent salary supplement.

I want to thank Senator Bentley and Senator Stoll for agreeing to sponsor this legislation.

I was just with Senator Bentley and other legislators last week at Pleasant View Middle School in Springfield on this very issue.

Both Senator Bentley and Senator Stoll have a longtime commitment to education, and I am confident they will be excellent spokespeople for the merits of this program.

In addition to adequate resources and good teachers, another key component in effective learning is parental involvement.

Unfortunately, many parents don't have a full and accurate picture of how well their child is doing at school as compared to children at other public schools.

I want to give Missouri parents that picture by establishing school accountability report cards.

This action will go one step beyond our present requirement for school district report cards, so parents will know exactly what is happening at their child's individual school.

Parents will receive information on classroom conditions, the professional qualifications of their child's teachers, class size, graduation and dropout rates, school safety, and a report on how their tax dollars are being spent.

They will be able to find even more extensive information at the school and on the Internet.

By holding schools accountable in this way, parents, taxpayers, and school patrons can compare the evaluation of their school with other schools in the area.

School report cards will also be useful to other schools--pointing out successful school strategies and practices that other schools can adopt to improve their institution.

We also are finding that technology is the tool that has the capacity to reform the classroom.

It changes the way teachers teach and students learn.

Students are more motivated and their achievement scores are higher.

Over the past few years, we've seen a greatly strengthened commitment to technology in our schools.

Today the ratio of students per computer in our schools is less than five to one.

The rate of students per Internet-connected computer is less than ten to one.

Our administration wants to continue to integrate these new technological tools into our children's learning so they will have the job skills to succeed in this new century economy.

So we are recommending an increased investment in technology grants from the primary grades to the postsecondary level.

The last critical element to student achievement is setting a classroom environment where students are respectful and involved in their work.

Many other states across the nation have found that establishing some form of character education in the school curriculum helps in establishing that environment.

In many respects, character education initiatives formally recognize and support what good parents and good teachers have always tried to instill in students--responsibility, respect, trustworthiness, fairness, caring, and citizenship.

Our state is well positioned to expand character education across Missouri.

This year, I want to provide funding so more schools can establish character education programs.

And over the next four years, I'd like to see that every Missouri school that wishes to integrate character education into the school environment has access to the teacher training and resource materials they need.

HEALTHY FAMILIES

In spite of this being a tight budget year, we have a rare opportunity to take steps to ensure a healthy future for Missouri families in the 21st century.

I want to see that our state's portion of the national tobacco settlement is used for vital health care needs contained in the Healthy Families Initiative that I will outline today.

A major portion of this initiative is focused on helping our senior citizens cope with skyrocketing prescription costs.

As you know, Medicare doesn't cover prescription drugs, and many of our seniors certainly cannot afford to buy separate insurance.

Many of these elderly people have multiple prescriptions for expensive medicines--medicines that cost them thousands of dollars a month--costs that sometimes exceed their income.

So what do they do about the situation?

For far too many, the answer is they go without their medicines--an act that often leads to even more serious illness and heavy medical bills.

Like so many of you, I have heard heartbreaking stories from Missouri seniors living on limited incomes who are forced to choose between the medicines they need and their ability to buy food or pay their rent or utility bills.

What a terrible dilemma.

And all I can say is: shame on us...shame on us for allowing that to go on in this state and this country.

Prescription drug relief for seniors is one of my highest priorities this year.

And I want...in fact...I need for it to be one of yours, too.

Under my plan, no eligible senior will pay more than \$1,500 a person or \$3,000 a family for their prescription drugs in any one year.

In addition, those seniors and those disabled Missourians on Medicare or Supplemental Security Income who do not already have insurance coverage for prescriptions will be able to buy their medicines at reduced rates--up to 20 percent less than they are currently paying.

Because of these actions, we will be able to phase out our present prescription drug tax credit, which has failed to help those seniors who most need our assistance because of catastrophic health care costs.

The second piece of my Healthy Families Initiative tackles our problem of providing health care access to all Missourians.

Over 90 percent of our counties are designated as shortage areas for health care professionals.

At the same time, many of our medical facilities that treat uninsured Missourians are facing budget cuts that may force them to reduce medical services to the poor.

I want to see us maintain a health care system that provides continued health care access for low-income adults, guarantees hospital care for the uninsured, increases medical education payments to teaching hospitals so they can afford the cost of training doctors and nurses, and establishes grants for rural and hospital-based clinics so they can continue to help the uninsured.

I believe we need recruitment incentives so primary care doctors and dentists will take their practices into the underserved areas of our state.

We will also establish a telehealth center at the University of Missouri-Columbia School of Medicine so patients and providers can interact with health care professionals miles away and medical training is available to doctors in isolated areas of the state.

Another part of our tobacco settlement money must be spent on programs that prevent smoking.

While we already provide resources to prevent tobacco use, our state still ranks fifth in the nation in the percentage of adults who do smoke.

Almost a third of our high school students smoke.

With those statistics, it probably doesn't surprise you that our state ranks well above average in diseases related to smoking--heart disease, cancer, and other diseases.

Obviously, our efforts are not working.

While we are investing a great deal of money in anti-smoking activities, those activities are scattered.

We must bring coordination to this process and focus our existing resources as well as bolster what we are currently doing with a substantial new investment in preventing our citizens from taking up this addictive and harmful habit.

I want to invest in a comprehensive tobacco prevention plan that has proven effective in other states to help communities develop their own anti-smoking education programs and to fund a statewide media campaign against smoking.

One area that holds exciting promise for both the future health of Missouri citizens and our economy is the life sciences.

Missouri has the opportunity to be a leader in this field.

We must seize this opportunity by investing in research at our public institutions.

From what I have already seen across our state, I am convinced the life sciences will lead us to tremendous advancements in the prevention and treatment of diseases such as cancer, arthritis, diabetes, and AIDS.

A perfect example of what I am talking about is one of our guests today, Dr. Michael DeBaun, who serves as Assistant Professor of Pediatrics at Washington University and a clinical director at St. Louis Children's Hospital.

Dr. DeBaun has been conducting clinical research on sickle cell disease and the children who suffer strokes that go undetected as a result of this disease.

He's studying how to best identify children who have suffered one of these strokes and what kind of educational rehabilitation can be done to help them catch up at school.

The research Dr. DeBaun is doing will make a difference in the lives of countless children in the future.

Dr. DeBaun, would you please stand so we can recognize you for the fine work you are doing.

Another way we are improving the quality of life for our citizens through the life sciences is by targeting environmental pollution and improving the way we treat our drinking water and our industrial and hazardous waste.

I also want Missouri's life science corridor to extend throughout the fields and pastures of our state.

Agriculture has always been the foundation of our state's economy, and it can strengthen our future as well.

If we take the opportunity, our corn and beans can provide us with immunity from disease, and fuel our vehicles, and nourish our families.

Milk from our dairy industry can do more than just build strong bones.

It can become a new source for insulin and other new medical treatments.

I want to link the scientist with the farmer through our life science advancements and our Department of Agriculture.

Life science possibilities can provide new opportunities for our next generation of family farmers.

Our potential for new foods and new uses for food products are endless through life science research.

At the same time, the life sciences will strengthen our economy through the high wage jobs and industry growth they create.

Studies have demonstrated that the return on our investment in life science health research is more than 15 to 1.

I believe investing a part of the tobacco settlement in the life sciences is critical to ensuring Missouri's ability to compete in a new century and guarantee continued economic growth for all Missourians.

The last portion of our tobacco settlement money should be spent on giving more Missouri children a healthy start in life.

Lori and I know the value of our state's nationally recognized early childhood program, Parents As Teachers, because we've been participants with our two boys, Robert and John D.

Through Parents As Teachers and other community-based initiatives, families learn the value of good preventive health care choices for their children and can guide them toward healthy lifestyle choices and success in school.

Unfortunately, at the present time, much of our early childhood efforts are not reaching those who need it most--our at-risk children in low-income families.

They deserve a healthy start in life.

I want to commit part of our tobacco settlement money to reach out to these at-risk families so they can have the same opportunities for success as so many other Missouri families.

Next week I will issue an executive order establishing the Healthy Families Trust Fund.

All tobacco settlement money will be placed in this fund so we can keep track of how much is being used for each part of our initiative--prescription drug costs, health care access, anti-smoking programs, life sciences, and early childhood care.

In this way, we will have the accountability in place to assure the taxpayers that all the tobacco money is going to the areas I have identified.

HEALTHY WOMEN

Another segment of our population that deserves the opportunity for better health care is Missouri women.

While most of our state HMO health care plans allow complete access to family doctors and pediatricians, women have problems getting direct access to their OB/GYNs.

Our current law only requires health care plans to cover one annual visit without a referral.

I want to see us change the law so women can have access to their OB/GYNs whenever it is medically appropriate for important procedures.

I also believe it's critical that Missouri women are notified annually about covered services such as Pap tests and mammograms and that they have access to the best available cancer screenings such as the ThinPrep Pap test, which reduces the need for repeat testing.

According to the American Cancer Society, 3,700 Missouri women will be diagnosed with breast cancer this year, and 800 of them will die.

Three hundred women will test positive for cervical cancer.

Eighty percent of the women who die from cervical cancer had not had a pap test in at least five years.

Too many of us know too many women...wives, daughters, sisters, mothers, and grandmothers...who have suffered, or even worse, lost their lives because of these deadly diseases.

Early detection is the best way to ensure survival.

By requiring annual notification of cancer screenings that are covered by health care plans and calling for expanded access, we can greatly improve the quality of life and health of women in the state of Missouri.

One more reminder or one extra doctor's visit can make a difference. Let's make that difference.

TRANSPORTATION

When we talk about missed opportunities in Missouri, the prime example is transportation.

Transportation is an issue that touches every citizen in our state--young or old, urban or rural, Democrat or Republican.

And it holds such rich potential for Missouri.

We have a prime geographic location, the two largest inland waterways, two international airports, the second largest rail center in the nation, and we hold a key position in the I-35 corridor that links us to important trade partners.

We have the potential to be a significant international hub in the 21st century.

Yet sadly, transportation has been neglected for too long--to the detriment of the personal safety of our citizens and our economy.

One-third of our bridges need improvement or replacement.

Five thousand miles of our roads and 5,700 intersections need safety improvements.

Our transit system is in jeopardy.

And we are unable to furnish the assistance we need for rail, air, or ports.

All of these deficiencies are impeding our ability to compete in this 21st century economy.

In the case of our highway system, what is even more staggering is the human cost.

One person is injured every 6.7 minutes on our roadways and bridges.

Three Missourians are killed every day.

And each of them is much more than a number.

They are a neighbor...a family member...a friend.

We will miss them and always wonder why they were taken from us so senselessly.

One of those Missourians was a 17-year-old girl--Kristin Nicole Hendrickson.

Just three months before graduation, through no fault of her own, she never got to walk up the aisle to get her diploma.

Her prom dress hung in the closet unworn.

She never read her college acceptance letter.

Because Kristin died on a two-lane stretch of Highway 61 between Canton and LaGrange when a pickup truck tried to pass another car and hit her head-on.

So many people have lost their lives on that stretch of road that it has become known as "Death Alley."

But because of Kristin's classmates at Canton High School, something tragic also became something inspiring.

These young people started a grassroots movement called SMART--Students of Missouri Assisting Rural Transportation.

They wrote letters, gathered petition signatures, lobbied legislators, and even testified at a Missouri Highway and Transportation Commission meeting to make a safer four-lane highway on this stretch of road a priority.

Because of their efforts, a project to widen this section of Highway 61 is now a high priority of our Transportation Department.

But the young people of SMART have not stopped there.

They are trying to organize SMART chapters all over Missouri, working to improve our state transportation system for all Missourians.

I just visited with these wonderful young people last week in my office, and they told me about their friend Kristin.

Please join me in welcoming these unbelievably committed young people and Kristin's parents, Bill and Julie Hendrickson, who are showing all of us how to get things done.

So the real question is: if this group of young people can get done what needs to get done, why can't we?

We have put off fixing our transportation system for too long because the cure was expensive...because we couldn't agree on what to do...and because no one was willing to take the lead on a solution.

I am prepared to take that lead.

It is time for us to stop looking backward and placing blame for prior mistakes and inaction.

The longer we wait, the worse our situation becomes.

It's time we come together as one Missouri.

Let us come together this session to develop a transportation system that will keep our citizens safe and spur economic growth in the 21st century.

And we must insist on accountability.

We have to give the public the confidence that every dollar they're spending on transportation is spent wisely and efficiently, and we're getting the full benefit of those dollars.

Don't let anyone tell us we can't get this done.

This is our time.

This is our responsibility.

We must act.

.08 BLOOD ALCOHOL CONTENT

Poor road conditions are not the only reason we lose lives on our highways in Missouri.

Drunk drivers are another major cause.

Almost two out of every five Americans will be involved in an alcohol-related crash at some point in their lives.

Right now, in Missouri, the blood alcohol content for being arrested as a drunk driver is .10, even though all the evidence shows that a driver is substantially impaired at the .08 level.

An analysis of the first five states that lowered the blood alcohol limit to .08 revealed significant decreases in fatal crashes related to alcohol in four out of the five.

The tremendous toll in human life and suffering our higher blood alcohol content law is causing should be more than sufficient reason to lower the legal limit.

And federal authorities are also sending us a signal of how important they feel this issue is.

We are losing federal incentive money for our highways by not adopting .08.

We would be receiving an additional three million dollars every year now.

If we don't pass a .08 law by October 1, 2003, we will be paying a sanction in the neighborhood of \$8 million--a penalty that increases to \$32 million in 2007 if we still haven't passed the bill.

Let's make it happen this year.

DOMESTIC VIOLENCE

Another safety issue that demands our attention this legislative session is the silent sickness of our society known as domestic violence.

For too long, much of this abuse has been kept hushed up behind locked doors because women are afraid to report it.

Some feel some misguided sense of shame as if they have asked to be battered.

Or they simply don't know where to turn.

Only one in seven battered women call the police for help.

And the effect of this abuse is even more devastating on the children in these families.

They often suffer extreme mental stress and grow up to become abusers themselves.

Even though the late Mel Carnahan was the first governor to propose significant funding to fight domestic violence, we still have much left to do.

Only 46 of our state's 114 counties have domestic violence centers and support for battered women and their children.

What is truly shocking about the situation is the number of women and children turned away.

In 1999, nearly 5,000 Missouri women and children who sought shelter from abuse were told there was just no room.

That is why, even in this difficult budget period, I strongly recommend an additional \$3 million for local domestic violence shelters next fiscal year.

In many places where shelter assistance is available, the support is excellent.

One good example is Rose Brooks Center in Kansas City.

The current shelter only houses 50 people.

But when the new Center opens in August, 75 women and children will have a safe haven from abuse.

Rose Brooks clearly illustrates what can be accomplished when we work together.

Public funding at the state and federal level combined with private funding sources made this new facility possible.

Please help me recognize the Executive Director of Rose Brooks, Susan Miller.

I will be appointing a special task force on domestic violence in the next few weeks to conduct the first ever inventory of our state's funding and resources to deal with domestic violence.

This task force will also develop a strategic action plan for how we can coordinate and integrate our approach to domestic violence, based on needs and priorities.

Because of her extensive experience in this field, I have asked Susan if she would agree to serve as the first member of this task force when it is appointed, and she has accepted.

MORE EFFICIENT GOVERNMENT

If we are to fully realize the opportunities that this new century will bring, we must continue to make our state government more efficient and effective.

Business continually finds new and better ways to serve their customers, and I want Missouri government to do the same.

We must improve the services we provide to our citizens.

To do this, we need to set the priorities we want to achieve, measure our success in meeting those priorities, and use this information to drive decisions that will bring us greater success.

We've already seen some great examples of how this can work.

In our Department of Revenue, state employees worked on evaluating the cost of red tape in their agency and then made it a priority to cut costs.

Because of those efforts, they created simpler tax forms, promoted the electronic filing of tax returns, and now thanks to legislative approval, offer two-year automobile registration, saving our taxpayers millions of hours of time and a great deal of money.

I want to use this model to look at the total cost of state government.

With our tight budget, I want to make certain every tax dollar is working for the taxpayers.

I want to find ways we can take the hassle out of dealing with state agencies.

I want to see us combine overlapping programs, employ cutting edge technology, and do more with less.

CONCLUSION

Before I joined you this morning, I was with some young students from around the state, including my hometown of Birch Tree.

We weren't physically in the same place, but the wonders of modern technology brought us together for an electronic dialogue.

Because of such amazing advancements, our students in rural areas no longer have to hope the world's knowledge and experiences will come to them.

They can go out and find that knowledge and experience on-line.

So much has changed for the better since I took that first mile and a half walk to a one-room schoolhouse.

But all that progress has been possible because of one constant that will never change--the imagination and hard work of Missouri's people.

Their dreams and labors have brought us far in the last century.

And they can take us even farther in this new century if we work together, as a Governor and a legislature, to do what is right for them with our actions...if we give them the opportunity to fulfill their potential.

Over the last few years, the wise decisions made by many of you here today have provided those opportunities.

Now, in this time of challenge, we must make tough choices to ensure Missouri continues to head in the right direction.

Those choices carry no partisan label.

They must only pass one simple test.

Are these actions right for Missouri?

What is right for Missouri this year means improving our schools...helping our seniors deal with the soaring cost of prescription drugs...making certain our fiscal house is in order.

We must work together to meet those commitments.

I realize that's not as easy as it sounds.

After all, I've sat where you're sitting--right there in seat 76 for six years.

But I will tell you one thing that helped me during those hours of spirited debate.

Whenever the discussion would become heated...the issue would be extremely complicated...or I would feel discouraged, there would always be a moment when I would look straight ahead at this dais.

And there, emblazoned in gold letters, I would see what you see today...what countless people that have been given this sacred trust have seen from their first day in this hallowed chamber--"Let the welfare of the people be the supreme law."

Those ten words are our guide.

They are our responsibility.

They are our vision.

They are why we are here.

In the spirit of bipartisanship and our mutual love for Missouri, let us honor them with our actions in the weeks...the months...the years to come.

Thank you.

On motion of Senator DePasco, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Co-Pro Tem Kinder.

INTRODUCTION OF BILLS

The following Joint Resolution was read the 1st time and 1,000 copies ordered printed:

SJR 12-By Singleton, Rohrbach, Kenney, Kinder and Goode.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 3 of article XIII of the Constitution of Missouri relating to Missouri citizens' commission on compensation for elected officials.

President Maxwell assumed the Chair.

Senator Yeckel requested unanimous consent of the Senate to withdraw **SB 329**, which request was granted.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 121, regarding Edward L. "Ed" Kemp, Jefferson County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Rick Amos, Ben Aken, Byron Shores, Paul Frederick, Tony Muser, Ryan LeFebvre, Blake Stein, Shani Tate, David Glass, Dan Glass, Herk Robinson, Mark Gorris, Jay Hinrichs and George Brett, members of the Kansas City Royals Baseball Organization.

Senator Westfall introduced to the Senate, the Physician of the Day, Jeff Tedrow, M.D., and his daughter Emily, Bolivar.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SEVENTEENTH DAY-WEDNESDAY, JANUARY 31, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SB 333-DePasco

SB 334-Kinder

SB 335-Kinder

SB 336-Caskey and House

SB 337-House and Kinder

SB 338-House

SB 339-Stoll and Childers

SB 340-Stoll and Childers

SB 341-Jacob

SB 342-Jacob

SB 343-Scott

SB 344-Rohrbach and Jacob

SB 345-House

SB 346-Caskey

SB 347-Caskey

SB 348-Sims

SB 349-Sims, et al

SB 350-Sims

SB 351-Singleton and Scott

SB 352-Johnson

SB 353-Johnson

SB 354-Johnson and Scott

SB 355-Steelman

SB 356-Schneider

SB 357-Schneider

SB 358-Schneider

SB 359-Schneider

SB 360-Schneider

SB 361-Bentley

SB 362-House, et al

SB 363-Scott

SB 364-Jacob

SB 365-Steelman

SB 366-House

SB 367-Steelman

SB 368-Childers

SB 369-Steelman and Stoll

SB 370-Caskey and Goode

SB 371-Scott

SB 372-Gibbons

SB 373-Gibbons and Yeckel

SB 374-Steelman

SB 375-Steelman

SB 376-Childers

SB 377-Singleton

SB 378-Singleton

SB 379-Singleton

SB 380-House

SB 381-Klarich

SB 382-Yeckel and Stoll

SB 383-Johnson

SB 384-House

SB 385-Mathewson

SB 386-Singleton

SB 387-Goode, et al

SJR 10-Quick

SJR 11-Yeckel

SJR 12-Singleton, et al

SENATE BILLS FOR PERFECTION

SB 256-Caskey

RESOLUTIONS

SR 58-Singleton

Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY--WEDNESDAY, JANUARY 31, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"My days are swifter than a runner; they flee away..." (Job 9:25)

Lord God, Heavenly King, it is unmistakable by the calendar that a month comes to a close and time is rushing on. We have much that has yet to be done and the number of days decrease. We need Your help to see what is truly important and what must be completed. Help us to use our time and energy wisely and to set about the study and discipline needed to put forth our best efforts and legislation that is truly helpful. Guide our steps and keep us on the path that is most efficient in keeping with Your will. In Your gracious Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senators--None

Vacancies--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 122, regarding Mary K. Regot, Holts Summit, which was adopted.

Senator Staples offered Senate Resolution No. 123, regarding Miss Jackie Jones, Bismarck, which was adopted.

Senator Sims offered Senate Resolution No. 124, regarding Nicholas "Nick" Baer, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 388-By Caskey.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to certain hospital records.

SB 389-By Scott.

An Act to amend chapter 104, RSMo, by adding thereto two new sections relating to certain retirement systems.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House may take up Senate Substitute for Senate Concurrent Resolution No. 2 relating to recommendations of the Citizens' Commission on Compensation for Elected Officials in its morning session on Wednesday, January 31, 2001, and requests the Senate, in view of the deadline imposed by Article XIII, Section 3 of the Missouri Constitution, to take into account the possibility of House action on the resolution and the possibility of the need for further Senate action on the resolution in scheduling the Senate's business for Wednesday, January 31, 2001.

Senator Kenney moved that the Senate instruct the House of Representatives that the Senate may take up any House action on Senate Substitute for Senate Concurrent Resolution No. 2 relating to recommendations of the Citizens' Commission on Compensation for Elected Officials in its afternoon session on Wednesday, January 31, 2001, and requests the House, in view of the deadline imposed by Article XIII, Section 3 of the Missouri Constitution, to take into account the possibility of Senate action in response to the House action on the resolution and the possibility of the need for further House action on the resolution in scheduling the House's business for Wednesday, January 31, 2001, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 390-By Rohrbach and Johnson.

An Act to repeal sections 9.010, 36.350, 104.601 and 104.1021, RSMo 2000, relating to state employee benefits, and to enact in lieu thereof four new sections relating to the same subject.

SB 391-By Rohrbach.

An Act to repeal section 376.383, RSMo 2000, relating to reimbursement for health care services, and to enact in lieu thereof two new sections relating to the same subject.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Senator Kenney announced that photographers from the Associated Press, the House of Representatives and family members had been given permission to take pictures and use flash in the Senate Chamber today.

MESSAGES FROM THE

SECRETARY OF STATE

The President laid before the Senate the following communications from the Secretary of State, which were read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler

Jefferson City, MO

Madam:

I, Matt Blunt, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 12th Senatorial District in the State of Missouri, on the 24th day of January, 2001, as provided by law, the following named person was elected to the office of State Senate, 12th Senatorial District as shown by the election results certified to this office by the election authorities of the 12th Senatorial District.

Name Office

David G. Klindt State Senator

32559 East 280th Avenue 12th Senatorial District

Bethany, MO 64424

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 31st day of January, 2001.

(Seal) Matt Blunt

Secretary of State

Daniel S. Ross

Executive Deputy Secretary of State

Also,

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler

Jefferson City, MO

Madam:

I, Matt Blunt, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 4th Senatorial District in the State of Missouri, on the 24th day of January, 2001, as provided by law, the following named person was elected to the office of State Senate, 4th Senatorial District as shown by the election results certified to this office by the election authority of the 4th Senatorial District.

Name Office

Patrick Dougherty State Senator

4031 Parker 4th Senatorial District

St. Louis, MO 63116

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 31st day of January, 2001.

(Seal) Matt Blunt

Secretary of State

Daniel S. Ross

Executive Deputy Secretary of State

Senator Klindt was escorted to the dais and received his oath of office from the Honorable Duane Benton.

Senator Dougherty was escorted to the dais and received his oath of office from the Honorable Ronnie White.

On motion of Senator Kenney, the Senate recessed until 4:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **HCS** for **SS** for **SCR 2** and has taken up and passed **HCS** for **SS** for **SCR 2**.

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 2

Rejecting the recommendation of the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 which created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, the General Assembly may disapprove the recommendation by a concurrent resolution approved by both the Senate and the House before February 1, 2001:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that the recommendations of the Missouri Citizen's Commission on Compensation for Elected Officials be disapproved; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

PRIVILEGED MOTIONS

Senator Singleton moved that **SS** for **SCR 2**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Singleton moved that **HCS** for **SS** for **SCR 2** be adopted.

Senator Jacob offered a substitute motion that the Senate refuse to concur in **HCS** for **SS** for **SCR 2** and request the House to recede from its position and failing to do so grant the Senate a conference thereon, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 392-By Kenney and DePasco.

An Act to repeal section 135.230, RSMo 2000, relating to tax credits for new business facilities within enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

SB 393-By Sims.

An Act to repeal section 332.072, RSMo 2000, relating to dental care, and to enact in lieu thereof one new section relating to the same subject.

SB 394-By Bentley.

An Act to authorize the conveyance of certain property between the board of governors of Southwest Missouri State University and the Southwest Missouri Ecumenical Center.

SB 395-By Carter, Yeckel, Childers, Sims, Schneider, Bentley, Stoll, Wiggins, Goode, Singleton, Bland, Westfall, Mathewson, Dougherty and House.

An Act to repeal sections 198.530, 354.603, 354.618, 376.383, 376.406, 376.893, 376.1350, 376.1361, 376.1367, 376.1400 and 376.1403, RSMo 2000, relating to protection for health care consumers, and to enact in lieu thereof sixteen new sections relating to the same subject.

RESOLUTIONS

Senator Bland offered Senate Resolution No. 125, regarding the death of Richard Charles Robinson, Sr., Kansas City, which was adopted.

Senators Scott, Carter and Dougherty offered Senate Resolution No. 126, regarding Officer D'Mitri Cole, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Jill Geary and Alex Lewis, Springfield.

Senator Westfall introduced to the Senate, Marilyn Mammen, Lamar.

Senator Bland introduced to the Senate, Dwayne Crompton and Freda Crompton, Kansas City.

Senator Kinder introduced to the Senate, Lloyd Smith, Sikeston.

On behalf of Senator Bland and himself, Senator Kenney introduced to the Senate, representatives of Missouri Charter School Day at the Capitol; and Katrina Parvin, Santino Williams and Stacy Spitton were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Hal Williamson, M.D., Columbia.

Senator Kinder introduced to the Senate, Phil Bartolotta and George Gunter, Kansas City; Jack Climer, Springfield; Greg Hoderock, Union; Kelly Waymon, Dittmer; Dave Meyer and Karl Sigler, Blue Springs; Pat Shelley, Oak Grove; Brett Walker, Gladstone; Bill Dickerson and Ernie Gibson, Farmington; and Tim Weir, St. Louis.

Senator Gross introduced to the Senate, Mike Dubois, St. Charles.

Senator Bentley introduced to the Senate, Mel Thompson, Springfield.

Senator Klindt introduced to the Senate, Sandra, Juanita, John, Dan, Randy, Karen, Ashton and Landon Klindt, Ann and Mike Murray, Brook Epple, Ronda, Caleb, Gabe and Hannah Riekhof and John Baker, family and friends from

Bethany and Jefferson City; and Caleb, Gabe, Ashton, Landon and Hannah were made honorary pages.

Senator Dougherty introduced to the Senate, Bev, Bridget, Elizabeth and Erica Dougherty, Dana McFarlane, Governor Bob Holden, State Treasurer Nancy Farmer, Brad Schmidt, Judge Andrew Jackson Higgins, Bill Siedhoff, Steve Mahfood, Steve Price, Mary Ann Coletti, former State Senator Al Mueller and Representatives Ralph Monaco, Lana Baker, Derio Gambaro, Bill Boucher, Jim Foley and Russ Carnahan, family and friends from St. Louis and Jefferson City.

On motion of Senator Kenney, the Senate adjourned under the rules. SENATE CALENDAR

EIGHTEENTH DAY-THURSDAY, FEBRUARY 1, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SB 333-DePasco

SB 334-Kinder

SB 335-Kinder

SB 336-Caskey and House

SB 337-House and Kinder

SB 338-House

SB 339-Stoll and Childers

SB 340-Stoll and Childers

SB 341-Jacob

SB 342-Jacob

SB 343-Scott

SB 344-Rohrbach and Jacob

SB 345-House

SB 346-Caskey

SB 347-Caskey

SB 348-Sims

SB 349-Sims, et al

SB 350-Sims

SB 351-Singleton and

Scott

SB 352-Johnson

SB 353-Johnson

SB 354-Johnson and Scott

SB 355-Steelman

SB 356-Schneider

SB 357-Schneider

SB 358-Schneider

SB 359-Schneider

SB 360-Schneider

SB 361-Bentley

SB 362-House, et al

SB 363-Scott

SB 364-Jacob

SB 365-Steelman

SB 366-House

SB 367-Steelman

SB 368-Childers

SB 369-Steelman and Stoll

SB 370-Caskey and Goode

SB 371-Scott

SB 372-Gibbons

SB 373-Gibbons and Yeckel

SB 374-Steelman

SB 375-Steelman

SB 376-Childers

SB 377-Singleton

SB 378-Singleton

SB 379-Singleton

SB 380-House

SB 381-Klarich

SB 382-Yeckel and Stoll

SB 383-Johnson

SB 384-House

SB 385-Mathewson

SB 386-Singleton

SB 387-Goode, et al

SB 388-Caskey

SB 389-Scott

SB 390-Rohrbach and

Johnson

SB 391-Rohrbach

SB 392-Kenney and DePasco

SB 393-Sims

SB 394-Bentley

SB 395-Carter, et al

SJR 10-Quick

SJR 11-Yeckel

SJR 12-Singleton, et al

SENATE BILLS FOR PERFECTION

SB 256-Caskey

RESOLUTIONS

SR 58-Singleton

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY--THURSDAY, FEBRUARY 1, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"My child, give me your heart, and let your eyes observe my ways." (Proverbs 23:26)

Gracious God, we know that we look but we do not always see and we listen but do not always hear. We pray, help us to listen so we do hear so we may help another and help us to look so we do see where we may be of use to one another. And help us to hear Your word this weekend and love those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senator Scott--1			
Vacancies--1			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 127, regarding former Missouri State Legislator Walter H. "Walt" Mueller, Jr., which was adopted.

Senator Steelman offered Senate Resolution No. 128, regarding the One Hundredth Birthday of Goldie Foster, Owensville, which was adopted.

Senator Johnson offered Senate Resolution No. 129, regarding the Honorable James William Roberts, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 130, regarding Leon and Bettie Edwards, St. Joseph, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco offered the following concurrent resolution, which was read and referred to the Committee on Rules, Joint Rules, Resolutions and Ethics:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, the members of the Missouri Public Service Commission are charged with the responsibility of protecting the interest of the people of the state of Missouri against utility companies that operate as monopolies; and

WHEREAS, Missouri Gas Energy requested a forty-four percent increase in what it charges consumers for natural gas in its jurisdiction in the western part of the state of Missouri, despite the recent enormous increases in the cost of natural gas already being borne by the people of this state; and

WHEREAS, the approval of the Missouri Gas Energy rate increase request by the members of the Missouri Public Service Commission ensures that heating bills for Missouri residents will more than double compared to the same period last year, bringing great hardship upon many Missourians, especially those with low incomes and older Missourians living on fixed incomes; and

WHEREAS, by voting for and allowing the forty-four percent increase to take effect without a public hearing and without evidence that the enormous rate increase was absolutely necessary, the members of the Missouri Public Service Commission who voted in support of the rate increase have violated section 386.060, RSMo, by being derelict in their duties and incompetent:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, pursuant to the powers granted them by section 386.060, RSMo, declare Chairman Sheila Lumpe in violation of said section and that the position which she holds now vacant; and

BE IT FURTHER RESOLVED that the members of the General Assembly, pursuant to the powers granted them by section 386.060, RSMo, declare Vice Chairman M. Dianne Drainer in violation of said section and that the position which she holds now vacant; and

BE IT FURTHER RESOLVED that the members of the General Assembly, pursuant to the powers granted them by section 386.060, RSMo, declare Commissioner Connie Murray in violation of said section and that the position which she holds now vacant; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Bob Holden.

Senator Foster offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the Federal Fish and Wildlife Service and the United States Army Corps of Engineers plan to continue the practice of increasing the flow of the Missouri River in the spring and reducing the flow of the Missouri River in the summer and fall of each year; and

WHEREAS, such practice results in an increase in river levels in the spring which creates a greater risk of flooding along the Missouri River and causes a decrease in river levels in late summer and fall resulting in a reduction in barge traffic on the Missouri and Mississippi Rivers; and

WHEREAS, these regulatory practices of the Federal Fish and Wildlife Service and the United States Army Corps of Engineers have a severe impact on any industry which uses the Missouri River to transport products and cause flooding in river communities and on farm land in the Missouri and lower Mississippi River basins; and

WHEREAS, the governors of the states of North Dakota, South Dakota, Wyoming and Montana have supported the practices of the Federal Fish and Wildlife Service and the United States Army Corps of Engineers because these regulatory practices benefit those states by allowing them to hold water in their federal reservoirs on the Missouri River during the summer; and

WHEREAS, the regulatory practices of the Federal Fish and Wildlife Service and the United States Army Corps of Engineers does not adequately address the concerns and needs of states in the lower Missouri and Mississippi River basin; and

WHEREAS, the Missouri departments of natural resources and transportation have opposed the regulations of the Federal Fish and Wildlife Service and the United States Army Corps of Engineers and have taken actions to reduce the negative impacts of these regulatory practices on the state's river communities, lands and businesses:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor to protest against the regulatory practice of the Federal Fish and Wildlife Service and United State Corps of Engineers to control the flow of the Missouri River in such a manner which negatively impacts the state of Missouri; and

BE IT FURTHER RESOLVED that the members of the General Assembly urge the Department of Natural Resources, the Department of Conservation and the Department of Transportation to continue their efforts to lessen the negative impacts of these regulatory practices on the state's river communities, lands and businesses; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Federal Fish and Wildlife Service, the United States Army Corps of Engineers, the Governor, the Director of the Department of Natural Resources, the Director of the Department of Conservation and the Director of Transportation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 396-By Schneider.

An Act to repeal sections 142.803, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069 and 302.735, RSMo 2000, relating to motor fuel taxation, and to enact in lieu thereof eleven new sections relating to the same subject, with a referendum clause.

SB 397-By Schneider.

An Act to repeal sections 355.131 and 448.3-102, RSMo 2000, relating to ownership of property, and to enact in lieu thereof two new sections relating to the same subject.

SB 398-By Rohrbach and Schneider.

An Act to repeal section 105.010, RSMo 2000, relating to public officers, and to enact in lieu thereof one new section relating to the same subject.

SB 399-By Sims.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri healthy families trust fund.

SB 400-By Kenney, Mathewson, Jacob, Steelman, Quick, DePasco and Yeckel.

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

SB 401-By Singleton.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to a multicultural program and committee within the office of the lieutenant governor, with an emergency clause.

SB 402-By Jacob and Bland.

An Act to repeal sections 160.534, 173.250 and 313.805, RSMo 2000, relating to funding for certain scholarships, and

to enact in lieu thereof three new sections relating to the same subject.

SJR 13-By Sims.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri by adding thereto one new section relating to the disposition of tobacco settlement funds.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Co-Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE RESOLUTION NO. 120

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rules 25, 28 and 45 be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, [7] **9** members.
3. Committee on Agriculture, Conservation, Parks and Tourism, [11] **9** members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, [13] **11** members.
8. Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, 9 members.
9. Committee on Gubernatorial Appointments, [11] **7** members.
10. Committee on Insurance and Housing, 9 members.
11. **Committee on Interstate Cooperation, 5 members.**
12. Committee on Judiciary, [9] **7** members.
- [12.] **13.** Committee on Labor and Industrial Relations, [9] **7** members.
- [13.] **14.** Committee on Local Government and Economic Development, [7] **9** members.
- [14.] **15.** Committee on Legislative Research (statutory), 10 members.
- [15.] **16.** Committee on Pensions and General Laws, [7] **9** members.
- [16.] **17.** Committee on Public Health and Welfare, [9] **7** members.

[17. Committee on Redistricting, 8 members.]

18. Committee on Rules, Joint Rules, Resolutions and Ethics, [9] **7** members.

19. Committee on State Budget Control, 9 members.

20. Committee on Transportation, 9 members.

21. Committee on Ways and Means, [11] **9** members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Financial and Governmental Organization, Veterans' Affairs and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law and to military organizations and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

10. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

11. The Committee on Interstate Cooperation shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.

12. The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

[12.] **13.** The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

[13.] **14.** The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

[14.] **15.** The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

[15.] **16.** The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

[16.] **17.** The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

[17. The Committee on Redistricting shall consider and report on all bills, resolutions and other matters referred to it relating to Congressional redistricting (Constitution, Article III, Section 45).]

18. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

19. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

20. The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways,

bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

21. The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.

Rule 45. There shall be a senate consent calendar. The sponsor of a senate bill shall first give notice of desire to have a bill placed upon the senate consent calendar by filing in writing, with the chairman of the committee to which the bill was referred, a notice of intent one day prior to a committee hearing. The notice of intent shall set forth the nature of the legislation, the fact that it is not a controversial bill, and a request that the senate committee recommend that the bill be placed upon the consent calendar. **A bill shall not be considered as consent if it increases net expenditures of the state by more than \$100,000, reduces net revenue of the state by more than \$100,000 or if it contains penalty provisions.** The bill will go to the senate consent calendar if, a quorum being present, it receives a unanimous affirmative vote of do pass by all members present at the senate committee to which the bill was referred, and there is thereafter a motion made and unanimously carried by affirmative vote of all those present that it be placed upon the consent calendar. Any bill approved by committee, for consent, may be reported to the consent calendar at any time the Senate goes to the order of business of committee reports. When a bill is placed upon the consent calendar, third reading shall not commence until the fifth legislative day. During this four-day period, starting with the first day the bill appears on the consent calendar in the Journal any member or the Committee on Rules, Joint Rules and Resolutions may, by filing written objection, direct that it be returned to the senate committee from which it was reported for action in accordance with the rules of the senate. A bill placed upon the senate consent calendar shall not be subject to amendment, except for committee amendments, and after the committee amendments have been disposed of shall be third read as though it had previously been perfected. If returned to committee, the chairman may report the bill to the senate at the next time that order of business is taken up, without further action of the committee. No senate bill may be placed on the consent calendar after March fifteenth and no house bill shall be placed on the consent calendar after April fifteenth."

BE IT FURTHER RESOLVED that the temporary rules of the Senate, except Rule 103 adopted January 3, 2001, be adopted as amended hereby as the permanent rules of the Missouri Senate for the Ninety-First General Assembly.

Senator Kinder and Senator Quick, Co-Chairmen of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Willie J. Ellis, as a member of the Public Defender Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Schneider moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Dwayne A. Crompton, as a member of the Missouri Housing Development Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Benjamin Uchitelle, as a member of the Missouri Training and Employment Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Sims, Senator Kinder moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Alvin A.

Plummer, as a member of the Personnel Advisory Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Gracia Yancey Backer, as Director of the Division of Employment Security, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Steelman moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Lowell Mohler, as Director of the Department of Agriculture, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rohrbach moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment.

Senator Carter requested a roll call vote be taken and was joined in her request by Senators Caskey, Kenney, Mathewson and Klarich.

The committee report recommending the appointment of Lowell Mohler, as Director of the Department of Agriculture, was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Carter-- 1			
Absent--Senator Goode-- 1			
Absent with leave--Senators			
Scott	Sims--2		
Vacancies-- 1			

RESOLUTIONS

Senator Kinder requested that the rules be suspended and that **SR 120**, with **SCS**, be taken up for adoption, which request was granted.

Senator Kinder moved that **SCS** for **SR 120** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Childers

DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Carter--1		
	Absent--Senators--None		
	Absent with leave--Senators		
Scott	Sims--2		
	Vacancies--1		

Co-Pro Tem Kinder moved that the referral of **SCR 12** be withdrawn and that the concurrent resolution remain on the Calendar, which motion prevailed.

Co-Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton and Senator Johnson, Co-Chairs of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 46** and **SB 47**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach and Senator Jacob, Co-Chairs of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 86**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall and Senator Staples, Co-Chairs of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall and Senator Caskey, Co-Chairs of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 123**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bentley and Senator House, Co-Chairs of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 32**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 32, Page 2, Section 162.790, Line 43, by inserting after the word "Deaf" the following: "**or the Missouri School for the Blind**".

On behalf of Senator Sims, Co-Chair of the Committee on Aging, Families and Mental Health, Senator Kenney

submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 44** and **SB 59**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers and Senator Mathewson, Co-Chairs of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 14**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Co-Chair of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 12**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Foster and Senator Johnson, Co-Chairs of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 128**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kenney, Co-Chair of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 3**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 5

Establishing the "Child Custody, Abuse and Neglect Commission" within the office of the Governor.

WHEREAS, state child protective service agencies received approximately 46,270 reports of child abuse or neglect, involving nearly 71,500 children in Missouri in 1999; and

WHEREAS, approximately, 17,700 reports were assigned for further investigation in 1999 and, of those investigated, 54 percent were found to be unsubstantiated; and

WHEREAS, there exists a need for accountability in the review and investigation of child abuse and neglect cases; and

WHEREAS, there exists an additional need for assistance within and oversight of the agencies handling child abuse and neglect reports in order to ensure that every child's case is appropriately handled; and

WHEREAS, a need for clarification and standardization of what constitutes the best interest of the child exists:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a Child Custody, Abuse and Neglect Commission within the office of the Governor which shall oversee and review the laws and rules relating to child abuse and neglect cases and shall make recommendations on further action or legislative remedies, if any, to be taken in such cases, as necessary; and

BE IT FURTHER RESOLVED that such Commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child; and

BE IT FURTHER RESOLVED that the Commission shall make its first report to the Governor and the General Assembly by February 1, 2002, and any subsequent reports shall be made to the Governor and the General Assembly as necessary; and

BE IT FURTHER RESOLVED that the Child Custody, Abuse and Neglect Commission shall be composed of 11 members to be appointed by the Governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a pediatrician, a psychologist, an educator, a Division of Family Services designee, and three citizens of the state of Missouri to serve four-year terms and of the members first appointed, three shall serve for a term of two years, three shall serve for a term of three years, and four shall serve for a term of four years; and

BE IT FURTHER RESOLVED that all members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the Commission; and

BE IT FURTHER RESOLVED that the office of the Governor shall provide funding, administrative support, and staff for the effective operation of the Commission; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senators House and Jacob offered Senate Resolution No. 131, regarding the University of Missouri-Columbia Hearnese Center emergency medical staff, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Westfall and himself, Senator Kinder introduced to the Senate, David Herbst and representatives of ALOT from around the state.

Senator Westfall introduced to the Senate, former State Representative Tim Kelly, Savannah.

Senator Kinder introduced to the Senate, Glen Beussink, Cape Girardeau.

Senator Rohrbach introduced to the Senate, Lori White, Jefferson City.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Steven M. Shields, M.D., St. Louis.

The President introduced to the Senate, Kevin Pearre, Lorna Renoe Cockrum, Susan Wilderman and Jacob Jones, New

Bloomfield.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 5, 2001.

SENATE CALENDAR

NINETEENTH DAY-MONDAY, FEBRUARY 5, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 321-Westfall

SB 322-Gross and Gibbons

SB 323-Childers, et al

SB 324-Childers

SB 325-Foster, et al

SB 326-Bland, et al

SB 327-Yeckel and Carter

SB 328-Yeckel and DePasco

SB 330-Jacob, et al

SB 331-DePasco, et al

SB 332-Westfall

SB 333-DePasco

SB 334-Kinder

SB 335-Kinder

SB 336-Caskey and House

SB 337-House and Kinder

SB 338-House

SB 339-Stoll and Childers

SB 340-Stoll and Childers

SB 341-Jacob

SB 342-Jacob

SB 343-Scott

SB 344-Rohrbach and Jacob

SB 345-House

SB 346-Caskey

SB 347-Caskey

SB 348-Sims

SB 349-Sims, et al

SB 350-Sims

SB 351-Singleton and

Scott

SB 352-Johnson

SB 353-Johnson

SB 354-Johnson and Scott

SB 355-Steelman

SB 356-Schneider

SB 357-Schneider

SB 358-Schneider

SB 359-Schneider

SB 360-Schneider

SB 361-Bentley

SB 362-House, et al

SB 363-Scott

SB 364-Jacob

SB 365-Steelman

SB 366-House

SB 367-Steelman

SB 368-Childers

SB 369-Steelman and Stoll

SB 370-Caskey and Goode

SB 371-Scott

SB 372-Gibbons

SB 373-Gibbons and Yeckel

SB 374-Steelman

SB 375-Steelman

SB 376-Childers

SB 377-Singleton

SB 378-Singleton

SB 379-Singleton

SB 380-House

SB 381-Klarich

SB 382-Yeckel and Stoll

SB 383-Johnson

SB 384-House

SB 385-Mathewson

SB 386-Singleton

SB 387-Goode, et al

SB 388-Caskey

SB 389-Scott

SB 390-Rohrbach and

Johnson

SB 391-Rohrbach

SB 392-Kenney and DePasco

SB 393-Sims

SB 394-Bentley

SB 395-Carter, et al

SB 396-Schneider

SB 397-Schneider

SB 398-Rohrbach and

Schneider

SB 399-Sims

SB 400-Kenney, et al

SB 401-Singleton

SB 402-Jacob and Bland

SJR 10-Quick

SJR 11-Yeckel

SJR 12-Singleton, et al

SJR 13-Sims

SENATE BILLS FOR PERFECTION

1. SB 256-Caskey

2. SBs 46 & 47-Bentley,

with SCS

3. SB 86-Rohrbach

4. SB 36-Westfall, et al,

with SCS

5. SB 123-Kinder

6. SB 32-Kinder, with

SCA 1

7. SBs 44 & 59-Bentley,

with SCS

8. SB 14-Mathewson

9. SB 12-Russell

10. SB 128-Childers RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 12-DePasco

SCR 13-Foster Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

NINETEENTH DAY--MONDAY, FEBRUARY 5, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we thank You for bringing us safely here to begin a new week under new leadership. Bless us with Your presence and guide us along Your righteous pathways that we may serve honorably the people of this state and to help one another as we are able. This we ask in Your Holy Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 1, 2001, was read and approved.

Senator Kenney announced that photographers from Channel 8, KRCG-TV, the Associated Press and family members had been given permission to take pictures and use flash in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

MESSAGES FROM THE

SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

TO THE SECRETARY OF THE SENATE

Ms. Terry Spieler

Jefferson City, MO

Madam:

I, Matt Blunt, Secretary of State of the State of Missouri, hereby certify that at the Special Election held in the 18th Senatorial District in the State of Missouri, on the 24th day of January, 2001, as provided by law, the following named person was elected to the office of State Senate, 18th Senatorial District as shown by the election results certified to this office by the election authorities of the 18th Senatorial District.

Name Office

John W. Cauthorn State Senator

23712 Audrain Road 364 18th Senatorial District

Mexico, MO 65265

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office this 2nd day of February, 2001.

(Seal) Matt Blunt

Secretary of State

Terry M. Jarrett

Acting Executive

Deputy Secretary of State

Senator Cauthorn was escorted to the dais and received his oath of office from Lieutenant Governor Maxwell.

Senator Rohrbach moved that Senator Peter Kinder be elected to the office of President Pro Tem, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

Senator Rohrbach moved that the vote by which the President Pro Tem was elected be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Kinder was escorted to the dais and received his oath of office from the Honorable William R. Price.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 132, regarding Michael Kirk Farmer, Jefferson City, which was adopted.

Senator Kinder offered Senate Resolution No. 133, regarding Anna Eleanor Roosevelt, which was adopted.

Senator Schneider offered Senate Resolution No. 134, regarding the Eighty-ninth Birthday of David Arthur "Dave" Parshall, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 135, regarding the One Hundred Fiftieth Anniversary of Dent County, which was adopted.

Senator Foster offered Senate Resolution No. 136, regarding Rick and Ann Haile, Poplar Bluff, which was adopted.

Senator Staples offered Senate Resolution No. 137, regarding Kristin Herbst, Fredericktown, which was adopted.

Senator Klindt offered Senate Resolution No. 138, regarding Pat Talli, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 139, regarding the North Nodaway R-VI "Journey to Excellence: Breaking the Mold of Professional Development" program achievements, which was adopted.

Senator Klindt offered Senate Resolution No. 140, regarding the Maysville R-I Accelerated School Class Act Embroidery program achievements, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 403-By Kenney, Gross and House.

An Act to repeal sections 143.121 and 143.124, RSMo 2000, relating to income taxation, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 404-By DePasco.

An Act to repeal section 302.535, RSMo 2000, relating to the department of revenue's ruling to suspend or revoke a driver's license, and to enact in lieu thereof one new section relating to the same subject.

SB 405-By Singleton.

An Act to repeal sections 43.080, 104.080 and 104.1003, RSMo 2000, relating to members of the highway patrol, and to enact in lieu thereof three new sections relating to the same subject.

SB 406-By Westfall.

An Act to repeal section 302.173, RSMo 2000, relating to drivers' examination for licensure, and to enact in lieu thereof two new sections relating to the same subject.

SB 407-By Dougherty.

An Act to repeal sections 301.457 and 301.463, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof six new sections relating to the same subject.

SB 408-By Dougherty.

An Act to amend chapter 701, RSMo, relating to property tax collection by adding thereto one new section relating to the same subject.

SB 409-By Dougherty.

An Act to amend chapter 135, RSMo, relating to tax relief by adding thereto one new section relating to lead abatement projects.

SB 410-By Dougherty, Jacob and House.

An Act to repeal sections 210.536 and 453.073, RSMo 2000, relating to the foster care reimburse-ment rate, and to enact in lieu thereof two new sections relating to the same subject.

SB 411-By Dougherty and Sims.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to CASA funding.

SB 412-By Dougherty.

An Act to repeal sections 375.1300, 375.1303, 375.1306 and 375.1309, RSMo 2000, relating to genetic information and testing for insurance purposes, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 413-By Scott.

An Act to repeal sections 169.410, 169.420, 169.430, 169.440, 169.450, 169.460, 169.462, 169.466, 169.471, 169.475, 169.476, 169.480, 169.490, 169.500, 169.510, 169.520 and 169.540, RSMo 2000, relating to certain public school retirement systems, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 414-By Childers and Stoll.

An Act to amend chapter 566, RSMo, by adding thereto one new section relating to sexual contact, with penalty provisions.

RESOLUTIONS

Senators Goode and Schneider, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 141

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of Maurice Schechter, who passed to his eternal reward on January 31, 2001; and

WHEREAS, Maurice Schechter came into this world in St. Louis, Missouri, on June 27, 1907, and was educated in the East St. Louis, Illinois, public school system before attending Washington University and City College of Law and Finance where he earned his law degree; and

WHEREAS, a former Missouri state representative and senator, Maurice Schechter was first elected to the Missouri House of Representatives in 1934 and served until 1940 when he left office to establish his law career in St. Louis as one of the founding partners of Russell, Schechter, Weiss, and Ens, a successful law firm where he worked from the late 1950s until he retired in the early 1980s; and

WHEREAS, in 1960, Mr. Schechter won the race for the Missouri Senate where he represented the 13th District as a Democrat for the next sixteen years and offered amendments to proposed legislation so frequently that other senators began referring to the process as "Schechterizing" a bill; and

WHEREAS, a life member of the Anti-Defamation League of B'nai B'rith, Mr. Schechter compiled an enviable list of service to various organizations through the important roles he played as president and charter member of the Creve Coeur Township Democratic Club and member of the American Bar Association, Missouri Bar Association, St. Louis Bar Association, the Lawyers Association of St. Louis, and the Congregation B'nai Amoona for sixty years; and

WHEREAS, a proud recipient of countless awards and accolades including the 1970 St. Louis Globe-Democrat Certificate for Meritorious Service and the 1971 Suburban School Teachers Association School Bell Award, Maurice Schechter leaves behind to cherish his memory his devoted wife of sixty-nine years, Bess; his two children, Stanley I. Schechter of Clayton and Judith Kay Siegel of Creve Coeur; his five grandchildren, Deborah

Jean Schechter, Elizabeth Ellen Schechter, Nancee Hope Siegel, Stephen Scott Siegel, and Susan Faith Siegel; and his nine great-grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in paying final tribute to the memory of the late Maurice Schechter, a remarkable gentleman of peace and kindness in this world who will be sadly missed by all those who had the distinct pleasure of knowing and loving him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the widow of the late Maurice Schechter, as an expression of our deepest sympathy.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 256** be taken up for perfection, which motion prevailed.

Senator Klarich assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 256, Page 1, In the Title, Line 3, by inserting after "subdivisions" the following: ", with an emergency clause"; and

Further amend said bill and page, Section 644.027, Line 11, by inserting after all of said line the following:

"Section B. Because of the need to provide adequate sewer systems within local political subdivisions, section 644.027 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 644.027 of this act shall be in full force and effect upon its passage and approval."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 256, Page 1, In the Title, Lines 2-3, by striking said lines and inserting in lieu thereof the following: "To repeal sections 644.572, 644.574 and 644.576, RSMo, and to enact in lieu thereof four new sections relating to water pollution."; and

Further amend said bill and page, Section A, Lines 1 and 2, by striking said lines and inserting in lieu thereof the following:

"Section A. Sections 644.572, 644.574 and 644.576, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 644.027, 644.572, 644.574 and 644.576, to read as follows:"; and

Further amend said bill and page, Section 644.027, Line 11, by inserting after all of said line the following:

"644.572. In addition to those sums authorized prior to August 28, [2000] **2002**, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and this chapter.

644.574. In addition to those sums authorized prior to August 28, [2000] **2002**, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of [twenty] **ten** million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

644.576. In addition to those sums authorized prior to August 28, [2000] **2002**, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of [forty] **twenty** million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter."

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 256, Page 1, Section 644.027, Line 11, by inserting after all of said line the following:

"644.037. Where applicable, under Section 404 of the federal Clean Water Act and where the U.S. Army Corps of Engineers has determined that a nationwide permit may be utilized, the department shall certify without conditions such nationwide permit as it applies to impacts on [wetlands in this] **waters of the** state."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 256, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following:

"to repeal sections 644.572, 644.574, and 644.576, RSMo, and to enact in lieu thereof four new sections relating to political subdivisions."; and

Further amend section A accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SB 256**, as amended, was declared perfected and ordered printed.

Senator Bentley moved that **SB 46** and **SB 47**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 46** and **47**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 46 and 47

An Act to repeal sections 167.181, 191.600, 191.603, 191.605, 191.607, 191.609, 191.614, 192.070 and 332.311, RSMo 2000, relating to dental care, and to enact in lieu thereof eleven new sections relating to the same subject, with a termination date and an emergency clause for certain sections.

Was taken up.

Senator Rohrbach assumed the Chair.

Senator Bentley moved that **SCS** for **SBs 46** and **47** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 46 and 47, Page 3, Section 191.603, Line 4, by inserting immediately after the word "physician" the following: ", **chiropractor**"; and further amend line 5, by inserting immediately after the word "professional" the following: "**physician, chiropractic**"; and further amend line 6, by inserting immediately after the word "physician" the following: ", **chiropractic**"; and further amend line 7, by inserting immediately after said line the following:

"(2) "**Chiropractor**", a person licensed and registered pursuant to chapter 331, RSMo;"; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill and page, section 191.605, line 2, by inserting immediately after the word "medical" the following: ", **chiropractic**"; and further amend line 5, by inserting immediately after the word "physician" the following: ", **chiropractor**"; and further amend line 7, by inserting immediately after the word "physician" the following: ", **chiropractor**"; and

Further amend said bill, page 4, section 191.607, line 7, by inserting immediately after the words "medical student" the following: ", **chiropractic student**"; and further amend line 9, by inserting immediately after "RSMo," the following: "**or licensed to practice chiropractic medicine pursuant to chapter 331, RSMo**"; and

Further amend said bill, page 5, section 191.609, line 18, by inserting immediately after the word "physician" the following: ", **chiropractor**"; and

Further amend said bill and page, section 191.614, line 7, by striking the word "chapters" and inserting in lieu thereof the following: "**chapter 331**".

Senator Klarich moved that the above amendment be adopted.

Senator Bentley raised the point of order that **SA 1** is out of order as it goes beyond the scope, purpose and intent of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed on a standing division vote.

At the request of Senator Bentley, **SB 46** and **SB 47**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Klarich assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 110**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 151**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 178**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 111**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 142**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 143**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 66**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 87**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 25**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 236**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 58**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 72**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 125**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 197**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 321--Education.

SB 322--Civil and Criminal Jurisprudence.

SB 323--Local Government and Economic Development.

SB 324--Transportation.

SB 325--Agriculture, Conservation, Parks and Tourism.

SB 326--Ways and Means.

SB 327--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 328--Public Health and Welfare.

SB 330--Transportation.

SB 331--Commerce and Environment.

SB 332--Education.

SB 333--Pensions and General Laws.

SB 334--Commerce and Environment.

SB 335--Commerce and Environment.

SB 336--Education.

SB 337--Pensions and General Laws.

SB 338--Labor and Industrial Relations.

SB 339--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 340--Local Government and Economic Development.

SB 341--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 342--Judiciary.

SB 343--Pensions and General Laws.

SB 344--Insurance and Housing.

SB 345--Local Government and Economic Development.

SB 346--Judiciary.

SB 347--Local Government and Economic Development.

SB 348--Aging, Families and Mental Health.

SB 349--Insurance and Housing.

SB 350--Transportation.

SB 351--Civil and Criminal Jurisprudence.

SB 352--Local Government and Economic Development.

SB 353--Education.

SB 354--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 355--Commerce and Environment.

SB 356--Judiciary.

SB 357--Aging, Families and Mental Health.

SB 358--Judiciary.

SB 359--Judiciary.

SB 360--Judiciary.

SB 361--Judiciary.

SB 362--Pensions and General Laws.

SB 363--Education.

SB 364--Education.

SB 365--Local Government and Economic Development.

SB 366--Labor and Industrial Relations.

SB 367--Public Health and Welfare.

SB 368--Agriculture, Conservation, Parks and Tourism.

SB 369--Local Government and Economic Development.

SB 370--Judiciary.

SB 371--Pensions and General Laws.

SB 372--Ways and Means.

SB 373--Local Government and Economic Development.

SB 374--Commerce and Environment.

SB 375--Commerce and Environment.

SB 376--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 377--Public Health and Welfare.

SB 378--Local Government and Economic Development.

SB 379--Public Health and Welfare.

SB 380--Labor and Industrial Relations.

SB 381--Judiciary.

SB 382--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 383--Local Government and Economic Development.

SB 384--Public Health and Welfare.

SB 385--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 386--Ways and Means.

SB 387--Commerce and Environment.

SB 388--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 389--Pensions and General Laws.

SB 390--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 399--Pensions and General Laws.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 247** to the Committee on Transportation.

President Pro Tem Kinder re-referred **SB 282** to the Committee on Judiciary.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 415-By House.

An Act to repeal sections 444.765, 444.767, 444.770, 444.772, 444.773, 444.774, 444.775, 444.777, 444.778, 444.782, 444.784, 444.786, 444.787, 444.788, 444.789 and 444.790, RSMo 2000, relating to environmental protection, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 416-By Stoll.

An Act to repeal sections 294.011, 294.024, 294.030, 294.043, 294.090 and 294.121, RSMo 2000, relating to child labor, and to enact in lieu thereof six new sections relating to the same subject.

SB 417-By Schneider.

An Act to repeal sections 287.160, 287.203 and 287.430, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof three new sections relating to the same subject.

SB 418-By Schneider.

An Act to repeal section 477.010, RSMo 2000, and supreme court administrative rule 6.05, relating to the supreme court, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 12--Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following revised committee appointments:

ADMINISTRATION

Kinder, Chair

Singleton, Vice-Chair

Kenney

DePasco

Quick

AGING, FAMILIES AND MENTAL HEALTH

Sims, Chair

Foster, Vice-Chair

Bentley

Kinder

Klindt

Carter

Dougherty

Johnson

Wiggins

AGRICULTURE, CONSERVATION, PARKS AND TOURISM

Foster, Chair

Cauthorn, Vice-Chair

Childers

Klindt

Rohrbach

Caskey

House

Jacob

Johnson

APPROPRIATIONS

Russell, Chair

Rohrbach, Vice-Chair

Bentley

Childers

Sims

Westfall

Bland

Carter

Goode

Johnson

Stoll

Wiggins

CIVIL AND CRIMINAL JURISPRUDENCE

Westfall, Chair

Sims, Vice-Chair

Gross

Klindt

Steelman

Carter

Caskey

Goode

House

COMMERCE AND ENVIRONMENT

Steelman, Chair

Kenney, Vice-Chair

Gross

Klindt

Yeckel

Dougherty

Goode

Mathewson

Stoll

EDUCATION

Bentley, Chair

Kenney, Vice-Chair

Steelman

Westfall

Yeckel

Caskey

House

Jacob

Johnson

Stoll

FINANCIAL AND GOVERNMENTAL ORGANIZATION,

VETERANS' AFFAIRS AND ELECTIONS

Yeckel, Chair

Childers, Vice-Chair

Cauthorn

Foster

Gross

Bland

Jacob

Mathewson

Stoll

GUBERNATORIAL APPOINTMENTS

Kinder, Chair

Russell, Vice-Chair

Gibbons

Loudon

Mathewson

Quick

Scott

INSURANCE AND HOUSING

Rohrbach, Chair

Loudon, Vice-Chair

Kenney

Klindt

Singleton

Carter

House

Jacob

Schneider

INTERSTATE COOPERATION

Klindt, Chair

Rohrbach, Vice-Chair

Cauthorn

Dougherty

Wiggins

JUDICIARY

Klarich, Chair

Steelman, Vice-Chair

Gibbons

Yeckel

Caskey

Schneider

Wiggins

LABOR AND INDUSTRIAL RELATIONS

Loudon, Chair

Gibbons, Vice-Chair

Childers

Foster

Bland

Dougherty

House

LOCAL GOVERNMENT AND ECONOMIC

DEVELOPMENT

Childers, Chair

Bentley, Vice-Chair

Cauthorn

Gibbons

Klarich

Johnson

Mathewson

Scott

Stoll

PENSIONS AND GENERAL LAWS

Gross, Chair

Foster, Vice-Chair

Kinder

Klarich

Loudon

Dougherty

Quick

Scott

Staples

PUBLIC HEALTH AND WELFARE

Singleton, Chair

Steelman, Vice-Chair

Bentley

Sims

Bland

Jacob

Wiggins

RULES, JOINT RULES, RESOLUTIONS AND ETHICS

Kenney, Chair

Klarich, Vice-Chair

Kinder

Singleton

DePasco

Mathewson

Quick

STATE BUDGET CONTROL

Singleton, Chair

Gross, Vice-Chair

Gibbons

Kinder

Loudon

DePasco

Goode

Mathewson

Quick

TRANSPORTATION

Westfall, Chair

Russell, Vice-Chair

Cauthorn

Klindt

Sims

DePasco

House

Mathewson

Staples

WAYS AND MEANS

Gibbons, Chair

Rohrbach, Vice-Chair

Cauthorn

Klarich

Yeckel

Caskey

Jacob

Schneider

Wiggins

COMMUNICATIONS

Senator Kenney submitted the following:

February 1, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the Bipartisan Initiative To Energize Missouri Economy Caucus. See attached list.

The following legislative members have signed onto this caucus:

Senator Ronnie DePasco - Dist. 11 Senator Ken Jacob, Dist. 19

Senator Bill Kenney - Dist. 8 Senator David Klarich - Dist. 26

Senator Sarah Steelman - Dist. 16 Senator Michael Gibbons - Dist. 15

Rep. May Scheve - Dist. 98 Rep. Henry Rizzo - Dist. 40

Rep. Tim Green - Dist. 73 Rep. Don Lograsso - Dist. 54

Rep. LuAnn Ridgeway - Dist. 35 Rep. Carson Ross - Dist. 55

President Pro Tem Kinder submitted the following:

February 5, 2001

Senator Peter Kinder

President Pro-Tem

State Capitol Building

Jefferson City, MO 65101

Dear Senator Kinder:

I respectfully request to be removed from the Senate Agriculture, Conservation, Parks and Tourism Committee.

Sincerely,

/s/ Morris Westfall

Morris Westfall

Also,

February 5, 2001

The Honorable Peter Kinder

Senate Administration Committee

State Capitol Building, Room 431

Jefferson City, MO 65101

Dear Senator Kinder:

Please accept this letter as notice of my resignation as a member of the Senate Transportation Committee. I thank you for your consideration to this request. If you have any questions, do not hesitate to contact me.

Sincerely,

/s/ Marvin Singleton

Marvin A. Singleton, MD

State Senator, 32nd District

Senator Quick submitted the following:

February 5, 2001

Mrs. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Terry,

Please accept the following revisions to Democratic assignments on Senate committees:

Aging, Families and Mental Health

Remove Bland and add Dougherty

Civil and Criminal Jurisprudence

Remove Bland and add Carter

Commerce and Environment

Remove Scott and add Dougherty

Gubernatorial Appointments

Remove DePasco

Judiciary

Remove Carter

Interstate Cooperation

Add Dougherty and Wiggins

Labor and Industrial Relations

Remove Jacob and Mathewson and add Dougherty

Pensions and General Laws

Remove DePasco and add Dougherty

Public Health and Welfare

Remove Johnson

Rules

Remove Wiggins

Ways and Means

Remove Stoll and add Jacob

Sincerely,

/s/ Edward E. Quick

State Senator

District 17

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Teresa, Botts, Frances, Andrew and Kaitlyn Cauthorn; Madline, Elizabeth and Kalb Sefkas; Jerry Dowell; Morgan, Julie, Jared, Tim, Angie, Raymond and Roberta Kuecklhan; Susan Hayes; Mary Lou and Jake Freyer; Dwight Helling; Steve, Shelby and Carolyn Hobbs; and Bruce, Mathew, Allison and Barbara Wilson, family and friends from around the state.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTIETH DAY-TUESDAY, FEBRUARY 6, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 391-Rohrbach

SB 392-Kenney and DePasco

SB 393-Sims

SB 394-Bentley

SB 395-Carter, et al

SB 396-Schneider

SB 397-Schneider

SB 398-Rohrbach and
Schneider

SB 400-Kenney, et al

SB 401-Singleton

SB 402-Jacob and Bland

SB 403-Kenney, et al

SB 404-DePasco

SB 405-Singleton

SB 406-Westfall

SB 407-Dougherty

SB 408-Dougherty

SB 409-Dougherty

SB 410-Dougherty, et al

SB 411-Dougherty and Sims

SB 412-Dougherty

SB 413-Scott

SB 414-Childers and Stoll

SB 415-House

SB 416-Stoll

SB 417-Schneider

SB 418-Schneider

SJR 10-Quick

SJR 11-Yeckel

SJR 12-Singleton, et al

SJR 13-Sims

SENATE BILLS FOR PERFECTION

SB 86-Rohrbach

SB 36-Westfall, et al,

with SCS

SB 123-Kinder

SB 32-Kinder, with SCA 1

SBs 44 & 59-Bentley,

with SCS

SB 14-Mathewson

SB 12-Russell

SB 128-Childers

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 46 & 47-Bentley, with

SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 41-Kenney, et al, with
SCS

SB 110-Gross

SB 151-Childers, with SCS

SB 178-Schneider and
Rohrbach, with SCS

SB 13-Russell, with SCS

SB 111-Gross

SB 142-Childers

SB 143-Childers

SB 66-Gibbons, with SCS

SB 87-Rohrbach

SB 25-Johnson

SB 236-Sims, with SCS

SB 58-Stoll

SB 7-Scott

SB 72-Loudon

SB 125-Bentley

SB 197-Johnson, with SCS

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY--TUESDAY, FEBRUARY 6, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Do not deceive yourselves. If you think that you are wise in this age, you should become fools so that you may become wise." (1Corinthians 3:18)

Gracious and all knowing God, You look beyond our foolishness and self pride and show us pathways to walk that can help us to understand our place in Your kingdom so that we might better serve in this place and share the load of responsibilities that fall to each of us. Bless us this day with Your presence and strength. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, KOMU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 419-By Sims.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to medical assistance for employed persons with disabilities.

SB 420-By Klarich.

An Act to amend chapter 67, RSMo, by adding thereto five new sections relating to the creation of a regional taxicab commission, with an emergency clause.

SB 421-By Gross.

An Act to repeal section 43.265, RSMo 2000, relating to the highway patrol's motor vehicle and aircraft revolving fund, and to enact in lieu thereof one new section relating to the same subject.

COMMITTEE ASSIGNMENTS

President Pro Tem Kinder submitted the following:

February 6, 2001

Ms. Terry Spieler

Secretary of Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator David Klindt to the Education Committee.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 6, 2001

Ms. Terry Spieler

Secretary of Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Chuck Gross to the Appropriations Committee.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

SENATE BILLS FOR PERFECTION

SB 86 was placed on the Informal Calendar.

Senator Westfall moved that **SB 36**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 36**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 36

An Act to repeal sections 302.302, 302.309, 302.505, 302.510, 302.520, 302.541, 577.012, 577.023, 577.037, 577.600 and 577.602, RSMo 2000, relating to alcohol-related traffic offenses, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **SB 36** be adopted.

President Pro Tem Kinder assumed the Chair.

Senator Singleton assumed the Chair.

Senator Kinder offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 5, by inserting after the word "provisions" the following: "and an effective date"; and

Further amend said bill, Page 15, Section 577.602, Line 39, by inserting after all of said line the following:

"Section B. The repeal and reenactment of sections 302.302, 302.309, 302.505, 302.510, 302.520, 302.541, 577.012, 577.023, 577.037, 577.600 and 577.602, shall become effective October 1, 2003."

Senator Kinder moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 36**, with **SCS** and **SA 1** (pending) was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney sub-mitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 207**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 256**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which were referred **SB 26** and **SB 126**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed.

SB 422-By Steelman.

An Act to repeal section 292.606, RSMo 2000, relating to the state emergency management agency, and to enact in lieu thereof one new section relating to the same subject.

SB 423-By Yeckel.

An Act to repeal sections 163.011 and 163.031, RSMo 2000, and to enact in lieu thereof two new sections relating to state school aid to school districts.

SB 424-By Jacob, DePasco, Staples, Wiggins, Mathewson, Quick, Stoll, Carter, Sims, Bentley, Dougherty, Bland, Scott, Caskey, House and Goode.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to women's health services.

SB 425-By Loudon, Gross, Childers, Steelman, House, DePasco and Jacob.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to public holidays.

SB 426-By Loudon and Bland.

An Act to repeal sections 610.120 and 610.122, RSMo 2000, relating to expungement of certain criminal records, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

SB 427-By Loudon.

An Act to repeal section 115.027, RSMo 2000, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

SB 428-By Loudon.

An Act to repeal section 213.055, RSMo 2000, relating to unlawful employment practices, and to enact in lieu thereof one new section relating to the same subject.

SB 429-By Dougherty and Bentley.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to postsecondary education for foster children.

SB 430-By Dougherty.

An Act to repeal section 71.640, RSMo 2000, relating to taxation for band funds in certain municipalities, and to enact

in lieu thereof one new section relating to the same subject.

SB 431--By Goode and Cauthorn.

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

SB 432--By Stoll and Steelman.

An Act to amend chapter 393, RSMo, by adding thereto ten new sections relating to retail energy customer and worker protection, with an emergency clause.

SECOND READING OF SENATE BILLS

The following Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SJR 10--Pensions and General Laws.

SJR 11--Education.

SJR 12--Pensions and General Laws.

SJR 13--Pensions and General Laws.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John F. Bass, Democrat, 4841 Margaretta, St. Louis City, Missouri 63115, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nanci A. Bobrow, Ph.D., 50 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Children's Trust Fund Board, for a term ending September 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klindt.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 142, regarding Benjamin Manning Roberts, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 143, regarding Travis Reed, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 144, regarding David Tyler Mapel, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 145, regarding Brooks Tyler Macoubrie, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 146, regarding Steven Walker Helmer, Chillicothe, which was adopted.

Senator Staples offered Senator Resolution No. 147, regarding Derek M. Grein, St. Mary, which was adopted.

Senator Rohrbach offered Senate Resolution No. 148, regarding the Fiftieth Wedding Anni-versary of Mr. and Mrs. George S. Grazier, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 149, regarding Janet K. Harris, New Franklin, which was adopted.

Senator Gibbons offered Senate Resolution No. 150, regarding Dr. John R. Oldani, St. Louis, which was adopted.

Senator Kinder offered the following resolution:

SENATE RESOLUTION NO. 151

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-Seventh District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rule 25 be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 9 members.
3. Committee on Agriculture, Conservation, Parks and Tourism, 9 members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, 11 members.
8. Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, 9 members.
9. Committee on Gubernatorial Appointments, [7] **9** members.
10. Committee on Insurance and Housing, 9 members.
11. Committee on Interstate Cooperation, 5 members.
12. Committee on Judiciary, 7 members.
13. Committee on Labor and Industrial Relations, 7 members.
14. Committee on Local Government and Economic Development, 9 members.
15. Committee on Legislative Research (statutory), 10 members.
16. Committee on Pensions and General Laws, 9 members.
17. Committee on Public Health and Welfare, 7 members.
18. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
19. Committee on State Budget Control, 9 members.
20. Committee on Transportation, 9 members.
21. Committee on Ways and Means, 9 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee."

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 433-By Kinder and Gross.

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Elizabeth Yates, Ellington.

Senator Gibbons introduced to the Senate, Pamela Williams, Ellington.

On behalf of Senator Kinder and himself, Senator Foster introduced to the Senate, Steve and Patty Boyer, Poplar Bluff.

Senator Kinder introduced to the Senate, former State Representative Jim Graham, John Singleton and Tom Steska, Fredericktown.

Senator Kinder introduced to the Senate, Ken, Deborah and Ryan Lee; Mike, Mary, Jamie and Mike Billings; Jenny, Dillion, Dakota, Justice and Isaiah Grady; and Jenny and Zachary Steinberg, Homeschoolers from Fredericktown.

Senator Carter introduced to the Senate, former State Representative Rita Days, Jane Wenzel, Sharon Rohrbach, Claire Devoto and Fran Marks, members of the Nurses for Newborn Board and Representative May Scheve.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Janet S. Rader, M.D., and her son, Nathaniel Markman, St. Louis; and Nathaniel was made an honorary page.

Senator Russell introduced to the Senate, Lisa Schwandt, Carolyn Passmore and Ruth Shidds, Waynesville; and Terri Gillette, Laquey.

Senator Klarich introduced to the Senate, Chris Baker, New Haven.

Senator Rohrbach introduced to the Senate, Phillip Santoli, Jefferson City.

On behalf of Senator Singleton, the President introduced to the Senate, Operating Room Technicians from around the state.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FIRST DAY-WEDNESDAY, FEBRUARY 7, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 392-Kenney and DePasco

SB 393-Sims

SB 394-Bentley

SB 395-Carter, et al

SB 396-Schneider

SB 397-Schneider

SB 398-Rohrbach and Schneider

SB 400-Kenney, et al

SB 401-Singleton

SB 402-Jacob and Bland

SB 403-Kenney, et al

SB 404-DePasco

SB 405-Singleton

SB 406-Westfall

SB 407-Dougherty

SB 408-Dougherty

SB 409-Dougherty

SB 410-Dougherty, et al

SB 411-Dougherty and Sims

SB 412-Dougherty

SB 413-Scott

SB 414-Childers and Stoll

SB 415-House

SB 416-Stoll

SB 417-Schneider

SB 418-Schneider

SB 419-Sims

SB 421-Gross

SB 422-Steelman

SB 423-Yeckel

SB 424-Jacob, et al

SB 425-Loudon, et al

SB 426-Loudon and Bland

SB 427-Loudon

SB 428-Loudon

SB 429-Dougherty and Bentley

SB 430-Dougherty

SB 431-Goode and Cauthorn

SB 432-Stoll and Steelman

SB 433-Kinder and Gross

THIRD READING OF SENATE BILLS

SB 256-Caskey

SENATE BILLS FOR PERFECTION

SB 123-Kinder

SB 32-Kinder, with

SCA 1

SBs 44 & 59-Bentley,

with SCS

SB 14-Mathewson

SB 12-Russell

SB 128-Childers

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 36-Westfall, et al, with

SCS and SA 1 (pending)

SBs 46 & 47-Bentley, with

SCS (pending)

SB 86-Rohrbach

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 41-Kenney, et al, with

SCS

SB 110-Gross

SB 151-Childers, with SCS

SB 178-Schneider and

Rohrbach, with SCS

SB 13-Russell, with SCS

SB 111-Gross

SB 142-Childers

SB 143-Childers

SB 66-Gibbons, with SCS

SB 87-Rohrbach

SB 25-Johnson

SB 236-Sims, with SCS

SB 58-Stoll

SB 7-Scott

SB 72-Loudon

SB 125-Bentley

SB 197-Johnson, with SCS

Reported 2/6

SB 207-Klarich

SBs 26 & 126-Johnson,

with SCS

RESOLUTIONS

SR 58-Singleton

SR 151-Kinder

Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY--WEDNESDAY, FEBRUARY 7, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Those who counsel peace have joy." (Proverbs 12:20)

Almighty God, You counsel us to be advocates for peace among the people of this state and in this chamber. Help us to know the peace that passes all human understanding and to show it in how we live, speak and act with one another. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney announced that photographers from KOMU-TV, the St. Louis Post-Dispatch and the Associated Press were given permission to take pictures and use flash in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Foster offered Senate Resolution No. 152, regarding Gene Bess, Poplar Bluff, which was adopted.

Senator Bentley offered Senate Resolution No. 153, regarding the birth of Eleanor Poirot Bentley, which was adopted.

Senator Childers offered Senate Resolution No. 154, regarding Hurley High School's Spring Creek Flavorings and Spices, which was adopted.

Senator Kenney offered Senate Resolution No. 155, regarding Torpedoman's Mate First Class DeWayne Keith Roberson, Waukegan, Illinois, which was adopted.

Senator Kenney offered Senate Resolution No. 156, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Henry Harris, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 157, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Roy Martin, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 158, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hubert Sebolt, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 159, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Homan, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 160, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Srader, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 161, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Briggs, Independence, which was adopted.

Senator Stoll offered Senate Resolution No. 162, regarding Lone Dell Elementary School, Arnold, which was adopted.

Senator Stoll offered Senate Resolution No. 163, regarding Festus High School Transitions Program, which was adopted.

Senator Kinder moved that **SR 151** be taken up for adoption, which motion prevailed.

On motion of Senator Kinder, **SR 151** was adopted by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Schneider	Stoll--3	
Absent with leave--Senators--None			

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 434-By Sims.

An Act to repeal sections 191.211 and 191.411, RSMo 2000, relating to funding for department of health programs, and to enact in lieu thereof three new sections relating to the same subject.

SB 435-By Goode.

An Act to repeal section 643.315, RSMo 2000, relating to emission requirements for historic vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 436-By Goode.

An Act to repeal sections 302.177 and 302.735, RSMo 2000, relating to the issuance of driver's licenses, and to enact in lieu thereof two new sections relating to the same subject.

SB 437-By Gross.

An Act to amend chapter 508, RSMo, by adding thereto one new section relating to venue.

SJR 14-By Gibbons.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), 31 and 32 of article IV of the Constitution of Missouri relating to highways and transportation commission, and adopting six new sections in lieu thereof relating to the same subject.

Senator Klarich assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 86** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 86, Page 3, Section 64.170, Line 59, by inserting after all of said line the following:

"64.180. 1. The county commission of any county which shall exercise the authority granted under the provisions of sections 64.170 to 64.200 shall appoint a building commission consisting of five members, residents and taxpayers of the county, one of whom shall be a member of the county commission, to be selected by the county commission. The members of the commission shall serve without compensation for a term of two years. The term of the county commission member shall not extend beyond the tenure of his office.

2. Said commission shall prepare a building and electrical code of regulations under the powers granted herein, which shall be submitted to the county commission for adoption. Such code of regulations shall be in accord with standards prescribed by recognized inspection and testing laboratories and agencies.

3. Before the adoption of such code of regulations, the **county** commission shall hold at least three public hearings thereon, fifteen days' notice of the time and place of which shall be published in at least two newspapers having general circulation within the county and notice of such hearings shall also be posted at least fifteen days in advance thereof in four conspicuous places in the county. The regulations adopted shall be applicable to the unincorporated territory of the county, except as otherwise provided herein, and may from time to time be amended by the county commission after hearings are held and notice given, as prescribed herein. The county commission is authorized to employ and pay the personnel necessary to enforce the regulations adopted.

4. **Counties adopting the International Building Code, International Residential Code, International Electrical Code and Inter-national Plumbing Code, 2000 editions, and later editions or amendments thereof shall be in compliance with subsection 2 of this section.**"; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 86, Page 3, Section 64.170, Line 59, after the word "No." the following: "**Such issue shall not be submitted to the voters more often than once every five years.**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SB 86**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 164, regarding Anna Eleanor Roosevelt, which was adopted.

Senator Wiggins offered Senate Resolution No. 165, regarding the death of Rebecca Gerken, Kansas City, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 391--Insurance and Housing.

SB 392--Ways and Means.

SB 393--Public Health and Welfare.

SB 394--Local Government and Economic Development.

SB 395--Insurance and Housing.

SB 396--Transportation.

SB 397--Insurance and Housing.

SB 398--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 400--Commerce and Environment.

SB 401--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 402--Ways and Means.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 438--By Bentley and Stoll.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to salary supplements for nationally-certified teachers.

SB 439--By Gibbons and Yeckel.

An Act to repeal sections 571.015 and 571.030, RSMo 2000, relating to firearm crimes, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 440-By DePasco.

An Act to repeal section 570.120, RSMo 2000, relating to stealing and related offenses, and to enact in lieu thereof one new section relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Mathewson offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, growing numbers of underinsured Missourians, an increasingly price-driven health care marketplace, and continued growth in enrollment of Medicaid beneficiaries are having critical implications for the future soundness of Missouri's health care safety net that serves a large portion of low-income and uninsured Missourians; and

WHEREAS, despite the nation's robust economy, certain populations in the state of Missouri continue to remain outside the medical and economic mainstream, having little or no access to stable health care coverage; and

WHEREAS, these populations include uninsured citizens of Missouri, low-income underinsured individuals, Medicaid beneficiaries, and patients with special health care needs who rely on safety providers for their care; and

WHEREAS, institutions and physicians in the state of Missouri that have a high level of demonstrated commitment to caring for the uninsured and underserved patients of Missouri are experiencing serious financial problems due to that commitment; and

WHEREAS, these providers in the state include ConnectCare in St. Louis, Truman Medical Centers in Kansas City and University of Missouri Health Care in Columbia, the only state-owned acute care facility serving the state's rural population, comprise Missouri's health care safety net; and

WHEREAS, the number of financially vulnerable people in the state is growing, the direct and indirect subsidies that have helped finance uncompensated care are eroding, and the rapid growth of Medicaid managed care are having significant adverse effects:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee to study the current funding system for safety net providers and develop legislative and budgetary policy that will ensure appropriate compensation as well as preserve the long-term viability of Missouri's safety net providers in recognition of the critical contribution these health care programs have made to the welfare of Missouri's citizens.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 369** to the Committee on Commerce and Environment.

President Pro Tem Kinder re-referred **SB 373** to the Committee on Ways and Means.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 6, 2001

The Honorable Larry Rohrbach

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Senator Rohrbach:

Please be advised that I hereby appoint you to serve as Chairman of the Joint Committee on Legislative Research (Chapter 23.010, RSMo).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 6, 2001

The Honorable John T. Russell

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Senator Russell:

Please be advised that I am hereby appointing you to serve on the Joint Committee on Legislative Research (Chapter 23.010, RSMo).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 6, 2001

The Honorable Michael Gibbons

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Senator Gibbons:

Please be advised that I am hereby appointing you to serve on the Joint Committee on Legislative Research (Chapter 23.010, RSMo).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 6, 2001

The Honorable Marvin Singleton

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Senator Singleton:

Please be advised that I am hereby appointing you to serve on the Joint Committee on Legislative Research (Chapter 23.010, RSMo).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Marcia J. Northrup and her daughter, Megan Roepe, Lee's Summit; and Megan was made an honorary page.

Senator Kinder introduced to the Senate, Kevin Dixon, Robyn Wren, Marge Sullivan, Stacy Taylor, Shawn Seabaugh, Becky Tallent and LeVar Sinks, Cape Girardeau and Scott Counties; Curtis Mullins, Tyrone Benson and Atrina Mitchell, St. Louis; and Leslie Gregory, Bridget Middleton, Cathy Bell and Sherri Clark, Pemiscot County.

Senator Singleton introduced to the Senate, Ken Rhuens, Joplin.

Senator Russell introduced to the Senate, students from the Waynesville Technical Culinary Academy, Waynesville.

Senator Yeckel introduced to the Senate, Steve

Doerr, Paul Harrell, Greg Wilson, Doug Funk, Dan Steslar, Gary Floyd, Dan Iannicola, Michael Beasley, John Cary, Jere Hochman, Mark Stockwell, Linda Henke, Diana Stewart, Cynthia Fields, Steve McIntosh, Don Miloy, Leroy Winkle, Gordon Pace, Mike Mason and Stan Johnson, Superintendents and Representatives from school districts around the state.

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Curtis W. Long, M.D., Butler.

Senator Gross introduced to the Senate, Carol Angelbeck, St. Charles County.

Senator Loudon introduced to the Senate, Dr. Jere Hochman, Michael Beasley, Diana Stewart and Mark Stockwell, Chesterfield.

Senator Childers introduced to the Senate, Larry Curnes and staff from Omar Gibson Vo-Tech School.

Senator Kinder introduced to the Senate, Anna Eleanor Roosevelt, Chicago, Illinois.

Senator Sims introduced to the Senate, Representatives and Volunteers from Citizens for Missouri's Children, the March of Dimes, Maternal and Child Health Coalition of Greater Kansas City, the Missouri Chapter of American Academy of Pediatrics and Kansas City Partnerships for Children.

Senator Steelman introduced to the Senate, Krita Hordecke and Kathy, Jordan and Tyler Robertson, Homeschoolers from Gasconade and Franklin Counties; and Jordan and Tyler were made honorary pages.

Senator Bland introduced to the Senate, Al and Debra Payne, Kansas City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SECOND DAY-THURSDAY, FEBRUARY 8, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 403-Kenney, et al

SB 404-DePasco

SB 405-Singleton

SB 406-Westfall

SB 407-Dougherty

SB 408-Dougherty

SB 409-Dougherty

SB 410-Dougherty, et al

SB 411-Dougherty and Sims

SB 412-Dougherty

SB 413-Scott

SB 414-Childers and Stoll

SB 415-House

SB 416-Stoll

SB 417-Schneider

SB 418-Schneider

SB 419-Sims

SB 420-Klarich

SB 421-Gross

SB 422-Steelman

SB 423-Yeckel

SB 424-Jacob, et al

SB 425-Loudon, et al

SB 426-Loudon and Bland

SB 427-Loudon

SB 428-Loudon

SB 429-Dougherty and

Bentley

SB 430-Dougherty

SB 431-Goode and Cauthorn

SB 432-Stoll and Steelman

SB 433-Kinder and Gross

SB 434-Sims

SB 435-Goode

SB 436-Goode

SB 437-Gross

SB 438-Bentley and Stoll

SB 439-Gibbons and Yeckel

SB 440-DePasco

SJR 14-Gibbons THIRD READING OF SENATE BILLS

SB 256-Caskey

SENATE BILLS FOR PERFECTION

SB 123-Kinder

SB 32-Kinder, with SCA 1

SBs 44 & 59-Bentley, with SCS

SB 14-Mathewson

SB 12-Russell

SB 128-Childers INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 36-Westfall, et al, with

SCS and SA 1 (pending)

SBs 46 & 47-Bentley, with

SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 41-Kenney, et al, with SCS

SB 110-Gross

SB 151-Childers, with SCS

SB 178-Schneider and

Rohrbach, with SCS

SB 13-Russell, with SCS

SB 111-Gross

SB 142-Childers

SB 143-Childers

SB 66-Gibbons, with SCS

SB 87-Rohrbach

SB 25-Johnson

SB 236-Sims, with SCS

SB 58-Stoll

SB 7-Scott

SB 72-Loudon

SB 125-Bentley

SB 197-Johnson, with SCS

Reported 2/6

SB 207-Klarich

SBs 26 & 126-Johnson,

with SCS

RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 14-Mathewson

Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY--THURSDAY, FEBRUARY 8, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Great peace have those who love your law; nothing can make them stumble." (Psalm 119:165)

Almighty God, Ruler of the Universe, You have given us guidelines for living life fully in all that we do. Many of the laws we write flow from Your law in order to help guide and protect life for us in Missouri and bring safety to our people. We acknowledge Your blessings to us and give You praise as we finish a week of challenge and change. Watch over our travels through rain and storm this day and bring us safely home to those we love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney announced that photographers from KOMU-TV and the Audrain Journal were given permission to take pictures and use flash in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 166, regarding Nicholas Carswell "Nick" Vollmar, DeSoto, which was adopted.

Senator Quick offered Senate Resolution No. 167, regarding Rainey J. Crawford, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 168, regarding the One Hundredth Birthday of Kathryn T. Neth, Liberty, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 169

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of one of Kansas City's most distinguished citizens, Mrs. Bernice Conley; and

WHEREAS, Mrs. Conley was a lifelong resident of Kansas City and a lifelong member of Redemptorist Catholic Parish; and

WHEREAS, after serving her community in various capacities, including chair of the Mother's March of Dimes from 1958 to 1966, Mrs. Conley became the first woman elected to a Jackson County office in 1966, when she won the office of County Clerk as a member of the original Committee for County Progress Team; and

WHEREAS, Mrs. Conley achieved another record which stood for many years of being the only woman reelected to County office in 1970 and she became Clerk of the new County Legislature in 1973, was Missouri County Clerk of the year in 1986, and served as national treasurer of the County Clerk's Association; and

WHEREAS, Mrs. Conley retired in 1991 after 24 years service as the longest serving County Clerk in Missouri with a distinguished record unmatched in her time; and

WHEREAS, Mrs. Conley and her husband, Jack Conley, were married for 47 years and had three outstanding children; and

WHEREAS, Mrs. Conley was a charming and gracious lady who loved Kansas City and Jackson County and was most of all a devoted wife, mother and grandmother in whose heart and love her family always came first:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of a great and distinguished lady of Kansas City and Jackson County, Mrs. Bernice Conley, express their appreciation for her lifetime of good citizenship and her contributions to Kansas City, Jackson County and Missouri, and extend to her family and many friends most sincere sympathy on her death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the family of Mrs. Bernice Conley, for the Jackson County Legislature and for the Redemptorist Catholic Church.

CONCURRENT RESOLUTIONS

Senators Yeckel, Steelman and Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 15

WHEREAS, the members of the Ninety-First General Assembly recognize that in recent years, voter participation has stagnated and the available pools of qualified election judges has diminished; and

WHEREAS, one idea to address these concerns is to make the general election day a national holiday; and

WHEREAS, recognizing that the sacrifice made by our men and women in the armed services to protect our democracy deserve recognition; and

WHEREAS, making the general election day a national holiday will assist in providing more election judges and other election day assistance:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, unanimously recommend to the United States Congress that it enact legislation making national general elections a national holiday to be observed on the first Tuesday after the first Monday in November; and

BE IT FURTHER RESOLVED that our nation's observance of Veteran's Day should coincide with this date; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all Missouri members of the Missouri Congressional delegation.

Senators Yeckel, Steelman, Stoll, Klindt, Rohrbach and Westfall offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, the members of the Missouri Senate recognize the problems our nation's military personnel experience to exercise their right to vote; and

WHEREAS, for those military personnel living overseas, timely notice of elections back home can be problematic for both those on active duty and their families; and

WHEREAS, as reports from Florida indicate, many military personnel are unable to return their ballots to local election authorities in a timely manner; and

WHEREAS, it is unconscionable that we would disenfranchise the very individuals who put their lives on the line to protect our democratic right to vote:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, unanimously recommend to the United States Congress that it review challenges faced by our military personnel and enact a comprehensive Military Voting Rights Act; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the members of the Missouri Congressional Delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 441-By Caskey.

An Act to repeal section 95.280, RSMo 2000, relating to cities of the third classification, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 442-By Caskey.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates for Safari Club International.

SB 443-By Staples.

An Act to repeal section 306.165, RSMo 2000, relating to water patrol officers, and to enact in lieu thereof one new section relating to the same subject with an emergency clause.

SB 444-By Staples.

An Act to repeal sections 306.010, 306.016, 306.100, 306.112, 306.114, 306.116, 306.117, 306.119, 306.124, 306.125, 306.126, 306.142 and 306.165, RSMo 2000, relating to watercraft regulations, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

SB 445-By Singleton.

An Act to repeal section 376.383, RSMo 2000, relating to health insurance carriers, and to enact in lieu thereof two new sections relating to the same subject.

SB 446-By Singleton.

An Act to amend chapter 331, RSMo, by adding thereto one new section relating to chiropractors, with penalty provisions.

SB 447-By Carter.

An Act to repeal section 160.518, RSMo 2000, relating to performance assessment for certain students, and to enact in lieu thereof one new section relating to the same subject.

SB 448-By Sims, Bentley, Steelman, Yeckel, Carter and Bland.

An Act to repeal section 208.151, RSMo 2000, relating to breast cancer, and to enact in lieu thereof one new section relating to the same subject.

SB 449-By Sims.

An Act to repeal section 660.050, RSMo 2000, relating to the division of aging, and to enact in lieu thereof two new sections relating to the same subject.

SB 450-By Goode.

An Act to repeal sections 142.803, 144.020, 144.440, 226.200, 301.055, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069 and 302.735, RSMo 2000, relating to transportation funding, and to enact in lieu thereof fourteen new sections relating to the same subject, with a referendum clause.

SB 451-By Goode.

An Act to repeal section 640.665, RSMo 2000, relating to the energy set-aside program fund, and to enact in lieu thereof one new section relating to the same subject.

SB 452-By DePasco, Carter, Wiggins, Bland, Goode, Sims, Dougherty, Bentley and Stoll.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070 and 213.101, RSMo 2000, relating to human rights, and to enact in lieu thereof nine new sections relating to the same subject.

SB 453-By Dougherty, Carter and Kenney.

An Act to amend chapter 135, RSMo, relating to tax relief by adding thereto one new section relating to the same subject.

SB 454-By Kinder.

An Act to amend chapter 196, RSMo, by adding thereto nine new sections relating to the establishment of the Missouri tobacco settlement attorney fee trust fund, with an emergency clause.

SB 455-By Kinder, Scott, Kenney and Gross.

An Act to repeal sections 153.030 and 153.034, RSMo 2000, and to enact in lieu thereof ten new sections relating to the transfer of generation assets by electric utilities to affiliated entities and the development of new utility rate options for retail customers.

SB 456-By Stoll.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to disclosures to parents of postsecondary education students.

SB 457-By Stoll.

An Act to repeal sections 163.011 and 163.031, RSMo 2000, and to enact in lieu thereof two new sections relating to state school aid to school districts.

Senator Rohrbach assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Consuelo "Connie" Washington, as a member of the Tourism Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Carter moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Manuel T. Pacheco, as a member of the Midwestern Higher Education Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of George V. Boyle, as a member of the Missouri Planning Council on Developmental Disabilities, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Laurel A. Bondi, as a member of the State Board of Podiatric Medicine, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Caskey moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Carol Russell Fischer, as Director of the Department of Revenue, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Rohrbach, Senator Klarich moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 86**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after exam-ination of **SB 110**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 151**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 111**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 66**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following:

February 8, 2001

Ms. Terry Spieler

Secretary of Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Ronnie DePasco to the Gubernatorial Appointments Committee.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 8, 2001

Ms. Terry Spieler

Secretary of Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Roseann Bentley to the Gubernatorial Appointments Committee.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 8, 2001

Ms. Terry Spieler

Secretary of Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

By copy of this letter, I am changing the meeting time of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections from its current time slot of 11:00 a.m. on Wednesday to 2:00 p.m. on Mondays in the Senate Lounge. I am also changing the meeting time of the Committee on Agriculture, Conservation, Parks and Tourism to 8:30 a.m. on Thursday in hearing room SCR 1.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

REFERRALS

President Pro Tem Kinder referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics

President Pro Tem Kinder referred **SB 256** to the Committee on State Budget Control.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 89** and **SB 37**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which were referred **SB 39** and **SB 269**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 97**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 97, Page 1, Section 160.560, Line 6, by striking "interpretation" and inserting in lieu thereof the following: "**integration**".

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 184**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **SB 323** and **SB 230**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 226**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 220**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 67** and **SB 40**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 65**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 317**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 50**, begs leave to report that

it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 253** and **SB 260**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printing:

SB 458-By Caskey.

An Act to repeal sections 191.905, 252.235, 569.095, 569.097, 569.099, 570.020, 570.080, 570.085, 570.120, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo 2000, relating to felony stealing limit, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

SB 459-By Westfall.

An Act to repeal sections 142.803 and 226.200, RSMo 2000, relating to funding for transportation, and to enact in lieu thereof two new sections relating to the same subject, with a referendum clause.

Senator Kenney announced that photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 170, regarding Valerie Maxwell, Pattonville R-III School District, which was adopted.

COMMUNICATIONS

Senator Kenney submitted the following:

February 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the Greater Kansas City Republican Caucus.

A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

/s/ Bill Kenney

Senator Bill Kenney-Dist. 8

/s/ Matt Bartle

Representative Matt Bartle-Dist. 56

/s/ Connie J. Cierpiot

Representative Connie Cierpiot-Dist. 52

/s/ Ed Hartzler

Representative Ed Hartzler-Dist. 123

/s/ Pat Kelley

Representative Pat Kelley-Dist. 47

/s/ Don Lograsso

Representative Don Lograsso-Dist. 54

/s/ Rex Rector

Representative Rex Rector-Dist. 124

/s/ Annie Reinhart

Representative Annie Reinhart-Dist. 34

/s/ Luann Ridgeway

Representative LuAnn Ridgeway-Dist. 35

/s/ C Ross

Representative Carson Ross-Dist. 55

/s/ Susan Phillips

Representative Susan Phillips-Dist. 32

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Dr. Herbert Haupt, Chesterfield.

Senator Staples introduced to the Senate, Leo Warren, Oregon County.

Senator Caskey introduced to the Senate, Steve Oldfield, Adrian.

Senator Foster introduced to the Senate, Robbie Myers, Poplar Bluff.

Senator Kinder introduced to the Senate, Rex Rust, Cape Girardeau.

Senator Klarich introduced to the Senate, fourth grade students from Fifth Street Elementary School, Washington.

Senator Klarich introduced to the Senate, Joy Gerstein, Washington.

Senator Caskey introduced to the Senate, Jim Meara and John Seabaugh, Harrisonville.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Lanny Turner, M.D., and his son, Travis, St. Louis.

On behalf of Senator Kinder, the President introduced to the Senate, Senator Daniel Webster, Kathy Macris and Brecht

Hutchins, Florida.

Senator Kenney introduced to the Senate, Carol Sullins, Dana Cash and Representative Connie Cierpiot, Kansas City.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 12, 2001.

SENATE CALENDAR

TWENTY-THIRD DAY-MONDAY, FEBRUARY 12, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 403-Kenney, et al

SB 404-DePasco

SB 405-Singleton

SB 406-Westfall

SB 407-Dougherty

SB 408-Dougherty

SB 409-Dougherty

SB 410-Dougherty, et al

SB 411-Dougherty and Sims

SB 412-Dougherty

SB 413-Scott

SB 414-Childers and Stoll

SB 415-House

SB 416-Stoll

SB 417-Schneider

SB 418-Schneider

SB 419-Sims

SB 420-Klarich

SB 421-Gross

SB 422-Steelman

SB 423-Yeckel

SB 424-Jacob, et al

SB 425-Loudon, et al

SB 426-Loudon and Bland

SB 427-Loudon

SB 428-Loudon

SB 429-Dougherty and Bentley

SB 430-Dougherty

SB 431-Goode and Cauthorn

SB 432-Stoll and Steelman

SB 433-Kinder and Gross

SB 434-Sims

SB 435-Goode

SB 436-Goode

SB 437-Gross

SB 438-Bentley and Stoll

SB 439-Gibbons and Yeckel

SB 440-DePasco

SB 441-Caskey

SB 442-Caskey

SB 443-Staples

SB 444-Staples

SB 445-Singleton

SB 446-Singleton

SB 447-Carter

SB 448-Sims, et al

SB 449-Sims

SB 450-Goode

SB 451-Goode

SB 452-DePasco

SB 453-Dougherty, et al

SB 454-Kinder

SB 455-Kinder, et al

SB 456-Stoll

SB 457-Stoll

SB 458-Caskey

SB 459-Westfall

SJR 14-Gibbons THIRD READING OF SENATE BILLS

SB 256-Caskey

(In Budget Control)

SB 86-Rohrbach

SENATE BILLS FOR PERFECTION

1. SB 123-Kinder

2. SB 32-Kinder, with

SCA 1

3. SBs 44 & 59-Bentley,

with SCS

4. SB 14-Mathewson

5. SB 12-Russell
6. SB 128-Childers
7. SBs 89 & 37-Kinder,
with SCS
8. SBs 39 & 269-Klarich
and Goode, with SCS
9. SB 97-Bentley, with
SCA 1
10. SB 184-Johnson, et al
11. SBs 323 & 230-
Childers, et al,
with SCS
12. SB 226-Goode, et al,
with SCS
13. SB 220-Kinder and
Gross
14. SBs 67 & 40-Gross,
with SCS
15. SB 65-Gibbons, with
SCS
16. SB 317-Stoll, with
SCS
17. SB 50-Childers
18. SBs 253 & 260-Gross,
with SCS

SENATE BILLS FOR PERFECTION

SB 36-Westfall, et al,
with SCS and SA 1
(pending)

SBs 46 & 47-Bentley, with
SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 41-Kenney, et al, with
SCS

SB 178-Schneider and
Rohrbach, with SCS

SB 13-Russell, with SCS

SB 142-Childers

SB 143-Childers

SB 87-Rohrbach

SB 25-Johnson

SB 236-Sims, with SCS

SB 58-Stoll

SB 7-Scott

SB 72-Loudon

SB 125-Bentley

SB 197-Johnson, with SCS

Reported 2/6

SB 207-Klarich

SBs 26 & 126-Johnson,
with SCS

RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 15-Yeckel

SCR 16-Yeckel

Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY--MONDAY, FEBRUARY 12, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Thus says the Lord, I sought for anyone among them who would repair the wall and stand in the breach before me on behalf of the land, so that I would not destroy it; but I found no one. (Ezekiel 22:30)

Gracious God, we begin another new week with much that must be done, bills to be repaired, resolutions to be firmed up and relationships to be mended. We need Your guidance and call to be about all we must do for this land of Missouri and the people who dwell here. Strengthen our resolve and provide us the energy we need to do all we must before You on behalf of our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 8, 2001, was read and approved.

Senator Kenney announced that photographers from Channel 4, KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 171, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Powell, Buckner, which was adopted.

Senator Kenney offered Senate Resolution No. 172, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Chun-Ming, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 173, regarding the Seventy-first Wedding Anniversary of Mr. and Mrs. Carl Huntsucker, Independence, which was adopted.

Senator Rohrbach offered Senate Resolution No. 174, regarding the Reverend James Donald Cooper, Tipton, which was adopted.

Senator Kenney offered Senate Resolution No. 175, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Waterhouse, Independence, which was adopted.

Senator Childers offered Senate Resolution No. 176, regarding Professor Sherman Dean Henry, Ph.D., Branson, which was adopted.

Senator Schneider offered Senate Resolution No. 177, regarding Chief Robert J. Bindbeutel, Ferguson, which was adopted.

On behalf of Senator Carter, Senator Quick offered Senate Resolution No. 178, regarding Mr. David Nausley and Mr. Mack Ellington, St. Louis, which was adopted.

On behalf of Senator Carter, Senator Quick offered Senate Resolution No. 179, regarding Mr. Matt Alexander, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 180, regarding the St. Mary's University Basketball Team from St. Mary's University, San Antonio, Texas, which was adopted.

Senator Loudon offered Senate Resolution No. 181, regarding Sue Talton, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 182, regarding Dane Vincent Montgomery, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 183, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Bush, Independence, which was adopted.

Senator Jacob offered Senate Resolution No. 184, regarding Skip DuCharme, Columbia, which was adopted.

Senator Wiggins offered Senate Resolution No. 185, regarding the death of Thomas Vincent Clune, Kansas City, which was adopted.

Senator Staples, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 186

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge notable achievements in the professional careers of former Show-Me State high school athletes who have subsequently attained fame on national and international fields of competition; and

WHEREAS, Kyle Davis Richardson played defensive back, punter, kicker, and receiver as a three-year starter and All-conference/All-region member of the football team at Farmington High School in Missouri's St. Francois County where he also garnered basketball and track honors; and

WHEREAS, a walk-on player at Arkansas State University his freshman year, Kyle Richardson walked off four years later with the most punts, 274, and most yards, 10,917, in school history; and

WHEREAS, playing with the Rhein Fire of the World League for the 1996 season, Kyle Richardson entered the National Football League (NFL) when he signed with Miami on September 3, 1997, and then with Seattle on November 14; and

WHEREAS, Kyle Richardson saw action in five games while on the Miami and Seattle teams during which time he established greater-than-forty-yard averages and demonstrated his propensity for dropping punts inside the 20-yard line; and

WHEREAS, joining the Baltimore Ravens squad as a free agent for the 1998 season, Kyle Richardson immediately got down to work setting seven

Ravens punting records and landing nearly one-third of his punts inside the 20, much to the consternation of opposing receivers who often opted for fair catches rather than attempt the herculean task of gaining ground from such a miserable position; and

WHEREAS, leading the NFL in 2000 for the second straight year with 35 punts inside the 20, Kyle Richardson continues to demonstrate a tremendous tenacity and the ability to scramble successfully after poor hikes and to perform wonderfully under less-than-ideal conditions in mud and rain:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the exceptional athletic record of native Missourian Kyle Richardson and to convey to him this legislative body's tremendous pride in his accomplishments in the world of professional football together with our best wishes for continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Baltimore Ravens Kyle Davis Richardson.

Senator Kenney offered the following resolution:

SENATE RESOLUTION NO. 187

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rule 45 be amended to read as follows:

"Rule 45. There shall be a senate consent calendar. The sponsor of a senate bill shall first give notice of desire to have a bill placed upon the senate consent calendar by filing in writing, with the chairman of the committee to which the bill was referred, a notice of intent one day prior to a committee hearing. The notice of intent shall set forth the nature of the legislation, the fact that it is not a controversial bill, and a request that the senate committee recommend that the bill be placed upon the consent calendar. A bill shall not be considered as consent if it increases net expenditures of the state by more than \$100,000, reduces net revenue of the state by more than \$100,000 [or if it contains penalty provisions], **increases an existing civil or criminal penalty or if it creates a new civil or criminal penalty**. The bill will go to the senate consent calendar if, a quorum being present, it receives a unanimous affirmative vote of do pass by all members present at the senate committee to which the bill was referred, and there is thereafter a motion made and unanimously carried by affirmative vote of all those present that it be placed upon the consent calendar. Any bill approved by committee, for consent, may be reported to the consent calendar at any time the Senate goes to the order of business of committee reports. When a bill is placed upon the consent calendar, third reading shall not commence until the fifth legislative day. During this four-day period, starting with the first day the bill appears on the consent calendar in the Journal any member or the Committee on Rules, Joint Rules and Resolutions may, by filing written objection, direct that it be returned to the senate committee from which it was reported for action in accordance with the rules of the senate. A bill placed upon the senate consent calendar shall not be subject to amendment, except for committee amendments, and after the committee amendments have been disposed of shall be third read as though it had previously been perfected. If returned to committee, the chairman may report the bill to the senate at the next time that order of business is taken up, without further action of the committee. No senate bill may be placed on the consent calendar after March fifteenth and no house bill shall be placed on the consent calendar after April fifteenth."

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 460-By Klarich.

An Act to repeal section 144.815, RSMo 2000, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 461-By Mathewson.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to beverage manufacturers.

SB 462-By Westfall.

An Act to repeal sections 274.060 and 409.401, RSMo 2000, and to enact in lieu thereof two new sections relating to cooperative marketing associ-ations.

SB 463-By Westfall and Childers.

An Act to repeal sections 137.073, 143.011, 143.071, 144.020, 144.021, 144.440, 144.700, 144.701, 163.011, 163.021, 163.022, 163.031, 163.032, 163.087, 163.172, 164.011, 164.013 and 165.011, RSMo 2000, and to enact in lieu thereof fourteen new sections relating to school funds, with a referendum clause.

SB 464-By Dougherty and Sims.

An Act to repeal section 210.170, RSMo 2000, relating to the children's trust fund board, and to enact in lieu thereof one new section relating to the same subject.

SB 465-By Dougherty, Sims and Bentley.

An Act to repeal section 630.605, RSMo 2000, relating to mental health, and to enact in lieu thereof one new section relating to the same subject.

SB 466-By Dougherty.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to national teacher certification incentives.

SB 467-By House.

An Act to repeal sections 143.241, 143.711, 144.157 and 144.220, RSMo 2000, relating to state income and sales tax assessments, and to enact in lieu thereof four new sections relating to the same subject.

SB 468-By Kenney.

An Act to amend chapter 145, RSMo, by adding thereto one new section relating to estate taxes.

SB 469-By Gross, Klarich and House.

An Act to repeal sections 92.045, 305.510 and 305.515, RSMo 2000, relating to the Missouri- St. Louis Metropolitan Airport Authority, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 5, 2001 for your advice and consent:

John F. Bass, Democrat, 4841 Margaretta, St. Louis City, Missouri 63115, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 12, 2001

Ms. Terry Spieler

Secretary of Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

By copy of this letter, I am changing the meeting time of the Committee on Ways & Means from its current time slot of 4:00 p.m. on Tuesday to 8:00 p.m. on Tuesday in the Senate Lounge.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

THIRD READING OF SENATE BILLS

SB 41, with **SCS**, introduced by Senator Kenney, et al, entitled:

An Act to amend chapter 172, RSMo, by adding thereto five new sections relating to the University of Missouri.

Was called from the Consent Calendar and taken up.

SCS for **SB 41**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 41

An Act to amend chapter 172, RSMo, by adding thereto five new sections relating to the University of Missouri.

Was taken up.

Senator Kenney moved that **SCS** for **SB 41** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 41** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Bland

Caskey

Cauthorn

Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Stoll--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 178, with **SCS**, introduced by Senators Schneider and Rohrbach, entitled:

An Act to repeal sections 355.131, 448.2-117, 448.3-102 and 448.3-106, RSMo 2000, relating to ownership of property, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

SCS for **SB 178**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 178

An Act to repeal section 448.3-106, RSMo 2000, relating to ownership of property, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 178** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 178** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Goode--1

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 13, with **SCS**, introduced by Senator Russell, entitled:

An Act to repeal section 301.144, RSMo 2000, as enacted by senate bill no. 3, eighty-eighth general assembly, first regular session, and section 301.144, RSMo 2000, as enacted by senate bill no. 70, eighty-eighth general assembly, first regular session, relating to motor vehicle license plates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 13**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 13

An Act to repeal section 301.144 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, section 301.144 as enacted by conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 70, eighty-eighth general assembly, first regular session and section 301.441, relating to motor vehicle license plates, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Russell moved that **SCS** for **SB 13** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 13** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Rohrbach--1			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 142, introduced by Senator Childers, entitled:

An Act to repeal section 301.464, RSMo 2000, relating to license plates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 142** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Staples--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 86, introduced by Senator Rohrbach, entitled:

An Act to repeal sections 64.170 and 64.180, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Rohrbach, **SB 86** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Jacob--1

Absent--Senators

Quick

Staples

Steelman--3

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Klarich assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 123** be taken up for perfection, which motion prevailed.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 34, by inserting after the word "warranty" the words: "or negligent manufacture or defective design, or for an unreasonably dangerous activity".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 123**, with **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 470-By Goode, Russell and Schneider.

An Act to amend chapter 8, RSMo, by adding thereto three new sections relating to the second state capitol commission.

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 185**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 224**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 136**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 219**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 258**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 304**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 252**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 274**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 301**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 403--Ways and Means.

SB 404--Judiciary.

SB 405--Transportation.

SB 406--Transportation.

SB 407--Transportation.

SB 408--Local Government and Economic Development.

SB 409--Ways and Means.

SB 410--Aging, Families and Mental Health.

SB 411--Judiciary.

SB 412--Insurance and Housing.

SB 413--Pensions and General Laws.

SB 414--Civil and Criminal Jurisprudence.

SB 415--Commerce and Environment.

SB 416--Labor and Industrial Relations.

SB 417--Judiciary.

SB 418--Judiciary.

SB 419--Insurance and Housing.

SB 420--Local Government and Economic Development.

SB 421--Transportation.

SB 422--Commerce and Environment.

SB 423--Education.

SB 424--Insurance and Housing.

SB 425--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 426--Civil and Criminal Jurisprudence.

SB 427--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 428--Labor and Industrial Relations.

SB 429--Education.

SB 430--Local Government and Economic Development.

SB 431--Local Government and Economic Development.

SB 432--Commerce and Environment.

SB 433--Pensions and General Laws.

SB 434--Public Health and Welfare.

SB 435--Transportation.

SB 436--Transportation.

SB 437--Judiciary.

SB 438--Education.

SB 439--Civil and Criminal Jurisprudence.

SB 440--Civil and Criminal Jurisprudence.

SB 441--Local Government and Economic Development.

SB 442--Transportation.

SB 443--Civil and Criminal Jurisprudence.

SB 444--Transportation.

SB 445--Public Health and Welfare.

SB 446--Public Health and Welfare.

SB 447--Education.

SB 448--Public Health and Welfare.

SB 449--Aging, Families and Mental Health.

SB 450--Transportation.

SB 451--Commerce and Environment.

SB 452--Judiciary.

SB 453--Ways and Means.

SB 454--Pensions and General Laws.

SB 455--Pensions and General Laws.

SB 456--Education.

SB 457--Education.

SB 458--Civil and Criminal Jurisprudence.

SB 459--Transportation.

SJR 14--Transportation.

REFERRALS

President Pro Tem Kinder referred **SCR 15** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 7, 2001

Dear Mr. President Pro Tem,

Please accept this letter of resignation from your Committee on Civil and Criminal Jurisprudence. While I appreciate having been appointed to this committee, I find that the demands necessary to

fulfill my duties of serving on numerous other committees of the Senate require me to relinquish this assignment.

Respectfully,

/s/ David Klindt

David Klindt

State Senator

District 12

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY-TUESDAY, FEBRUARY 13, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 460-Klarich

SB 461-Mathewson

SB 462-Westfall

SB 463-Westfall and

Childers

SB 464-Dougherty and Sims

SB 465-Dougherty, et al

SB 466-Dougherty

SB 467-House

SB 468-Kenney

SB 469-Gross, et al

SB 470-Goode, et al

THIRD READING OF SENATE BILLS

SB 256-Caskey

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 32-Kinder, with

SCA 1

2. SBs 44 & 59-Bentley,

with SCS

3. SB 14-Mathewson

4. SB 12-Russell

5. SB 128-Childers

6. SBs 89 & 37-Kinder,

with SCS

7. SBs 39 & 269-Klarich

and Goode, with

SCS

8. SB 97-Bentley, with

SCA 1

9. SB 184-Johnson, et al

10. SBs 323 & 230-Childers, et al,

with SCS

11. SB 226-Goode, et al,

with SCS

12. SB 220-Kinder and

Gross

13. SBs 67 & 40-Gross,

with SCS

14. SB 65-Gibbons, with

SCS

15. SB 317-Stoll, with

SCS

16. SB 50-Childers

17. SBs 253 & 260-Gross,

with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 36-Westfall, et al,
with SCS and SA 1 (pending)
SBs 46 & 47-Bentley, with
SCS (pending)

SB 123-Kinder, with SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

SB 87-Rohrbach

SB 25-Johnson

SB 236-Sims, with SCS

SB 58-Stoll

SB 7-Scott

SB 72-Loudon

SB 125-Bentley

SB 197-Johnson, with SCS

Reported 2/6

SB 207-Klarich

SBs 26 & 126-Johnson,

with SCS

Reported 2/12

SB 275-Sims

SB 185-Loudon

SB 224-Russell

SB 10-Caskey, with SCS

SB 136-Wiggins, with SCS

SB 216-Scott

SB 219-Mathewson

SB 258-Rohrbach and

Schneider

SB 304-Klarich

SB 252-Singleton

SB 274-Caskey

SB 301-Johnson, with SCS

RESOLUTIONS

SR 58-Singleton

SR 187-Kenney

Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY--TUESDAY, FEBRUARY 13, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The prayer of the righteous is powerful and effective." (James 5:16)

Gracious God, thank You for the attentiveness to the prayers of Your people. We are fortified by knowing that we can come before You with our request on behalf of others and You will listen. Provide us the persistence to remain faithful in our praying and in the work that flows from them. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 188, regarding Carl S. "Sandy" Hutchison, Rolla, which was adopted.

Senator Steelman offered Senate Resolution No. 189, regarding Eric Lee Abbott, Rolla, which was adopted.

Senator Steelman offered Senate Resolution No. 190, regarding William C. Stoecker, Rolla, which was adopted.

Senator Steelman offered Senate Resolution No. 191, regarding Matthew Thomas Arnold, Rolla, which was adopted.

Senators Wiggins, DePasco, Quick, Johnson, Kenney and Bland offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 192

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Most Reverend John J. Sullivan, D.D., Retired Bishop of the Diocese of Kansas City-St. Joseph; and

WHEREAS, Bishop Sullivan headed the Diocese of Kansas City-St. Joseph from 1977 to 1993, having moved to Kansas City from his position as Bishop of the Diocese of Grand Island, Nebraska, from 1972 to 1977; and

WHEREAS, during his service to the people of the Diocese of Kansas City-St. Joseph and in retirement, Bishop Sullivan became one of the most beloved prelates in the United States, a brilliant administrator, yet kindly humble with an enduring understanding of his priests and people who loved him like a member of their family, which is the way he treated all of them; and

WHEREAS, Bishop Sullivan was born July 5, 1920, in Horton, Kansas, the son of Walter P. and Mary Sullivan, attended schools in Oklahoma City, later attending St. Benedict's College in Atchison, Kansas, and Kenrick Seminary in St. Louis and was ordained a priest for the Diocese of Oklahoma City and Tulsa in 1944; and

WHEREAS, Bishop Sullivan served on numerous committees of the National Conference of Catholic Bishops and the United States Catholic Conference and as Bishop in Kansas City, established the Center for Pastoral Life and Ministry and the Central City School Fund leading to scholarships allowing over 5000 urban youths to attend neighborhood Catholic schools:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of a distinguished and renowned Catholic Prelate, Bishop John J. Sullivan, express their appreciation for his lifetime of service to his Church, and to mankind, especially in Kansas City and Missouri, and extend to the Diocese of Kansas City-St. Joseph, his family, and to his thousands of followers and friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Diocese of Kansas City-St. Joseph, St. Benedict's College and Kenrick Seminary.

Senator Wiggins offered Senate Resolution No. 193, regarding the death of Gerald Francis Mulligan, Washington, D.C., which was adopted.

COMMUNICATIONS

Senator Mathewson submitted the following:

Statement By Senator Jim Mathewson

February 13, 2001

For the past three and one-half years, I have worked to fulfill my commitment to all Missourians to bring accountability to the Missouri Department of Transportation and to bring forward a total transportation plan to meet the transportation needs of both urban and outstate Missouri citizens.

Now, it has become apparent that I will not be able to continue working through the Senate Transportation Committee to keep that good-faith commitment to the citizens of Missouri.

Therefore, effective at 10 a.m. today, February 13, I resign my appointment to the Senate Transportation Committee.

In doing so, I renew my commitment to work on the floor with members of the Senate and the House of Representatives to develop a total transportation plan that considers the needs of rural and urban Missouri, for the benefit of, and consideration by all citizens of this state.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 471-By Scott.

An Act to repeal section 148.400, RSMo 2000, relating to premium tax deduction for examination expenses, and to enact in lieu thereof one new section relating to the same subject.

SB 472-By Caskey.

An Act to repeal sections 488.2250 and 488.2253, RSMo 2000, relating to fees for court transcripts, and to enact in lieu thereof two new sections relating to the same subject.

SB 473-By Dougherty.

An Act to repeal sections 452.605 and 516.350, RSMo 2000, relating to children, and to enact in lieu thereof four new sections relating to the same subject.

THIRD READING OF SENATE BILLS

SB 143, introduced by Senator Childers, entitled:

An Act to repeal section 301.301, RSMo 2000, relating to motor vehicle license plate replacement, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Childers moved that **SB 143** be read the 3rd time and finally passed.

At the request of Senator Childers, the above motion was withdrawn.

SB 87, introduced by Senator Rohrbach, entitled:

An Act to repeal sections 632.483 and 632.486, RSMo 2000, relating to civil commitment of sexually violent predators, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 87** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 25, introduced by Senator Johnson, entitled:

An Act to repeal section 172.360, RSMo 2000, relating to tuition at the University of Missouri, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 25** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Loudon--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 236, with **SCS**, introduced by Senator Sims, entitled:

An Act to repeal section 453.072, RSMo 2000, relating to adoption subsidies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 236**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 236

An Act to repeal section 453.072, RSMo 2000, relating to adoption subsidies, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **SB 236** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 236** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bentley--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Kenney moved that **SR 187** be taken up for adoption, which motion prevailed.

Senator Singleton assumed the Chair.

On motion of Senator Kenney, **SR 187** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator Carter--1

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 32**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kinder, **SB 32**, as amended, was declared perfected and ordered printed.

Senator Bentley moved that **SB 44** and **SB 59**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 44** and **59**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 44 and 59

An Act to repeal sections 453.010, 453.070 and 453.080, RSMo 2000, relating to adoption, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SBs 44** and **59** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 44 and 59, Page 1, Section A, Line 3, by inserting after all of said line the following:

"191.938. 1. There is hereby established an "Automated External Defibrillator Advisory Committee" within the department of health.

2. The committee shall advise the depart-ment of health, the office of administration and the legislature on the advisability of placing automated external defibrillators in public buildings, especially in public buildings owned by the state of Missouri or housing employees of the state of Missouri with special consideration to state office buildings accessible to the public.

3. The committee shall issue an initial report no later than June 1, 2002, and a final report no later than December 31, 2002, to the department of health, the office of administration and the governor's office. The issues to be addressed in the report shall include, but need not be limited to:

- (1) The advisability of placing automated external defibrillators in public buildings and the determination of the criteria as to which public buildings should have automated external defibrillators and how such automated external defibrillators' placement should be accomplished;**
- (2) Projections of the cost of the purchase, placement and maintenance of any recommended automated external defibrillator placement;**
- (3) Discussion of the need for, and cost of, training personnel in the use of automated external defibrillators and in cardiopulmonary resuscitation;**
- (4) The integration of automated external defibrillators with existing emergency service.**

4. The committee shall be composed of the following members appointed by the director of the department of health:

- (1) A representative of the department of health;**
- (2) A representative of the office of administration, division of facilities manage-ment;**
- (3) A representative of the American Red Cross;**

(4) A representative of the American Heart Association;

(5) A physician who has experience in the emergency care of patients.

5. The department of health member shall be the chair of the first meeting of the committee. At the first meeting, the committee shall elect a chairperson from its membership. The committee shall meet at the call of the chairperson, but not less than four times a year.

6. The department of health shall provide technical and administrative support services as required by the committee. The office of administration shall provide technical support to the committee in the form of information and research on the number, size, use and occupancy of buildings in which employees of the state of Missouri work.

7. Members of the committee shall receive no compensation for their services as members, but shall be reimbursed for expenses incurred as a result of their duties as members of the committee.

8. The committee shall adopt written bylaws to govern its activities.

9. The automated external defibrillator advisory committee shall terminate on June 1, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Dougherty offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 44 and 59, Page 1, Section A, Line 3, by inserting after all of said line the following:

"67.1785. Each county in the state shall have the authority to create a children's services council to conduct an assessment of the needs of children in the county and provide grants for services to address those needs. Any children's services council established pursuant to this section shall constitute a body corporate and politic with taxing power and shall have the duties, privileges, immunities, rights, liabilities and disabilities of a public body corporate and politic."; and

Further amend said Bill, Page 2, Section 191.975, Line 38, by inserting after all of said line the following:

"207.020. 1. In addition to the powers, duties and functions vested in the division of family services by other provisions of this chapter or by other laws of this state, the division of family services shall have the power:

(1) To sue and be sued;

(2) To make contracts and carry out the duties imposed upon it by this or any other law;

(3) To administer, disburse, dispose of and account for funds, commodities, equipment, supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated by the state of Missouri for any of the purposes herein;

(4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under oath, and make and keep a record of same;

(5) To adopt, amend and repeal rules and regulations necessary or desirable to carry out the provisions of this chapter

and which are not inconsistent with the constitution or laws of this state;

(6) To cooperate with the United States government in matters of mutual concern pertaining to any duties wherein the division of family services is acting as a state agency, including the adoption of such methods of administration as are found by the United States government to be necessary for the efficient operation of state plans hereunder;

(7) To make such reports in such form and containing such information as the United States government may, from time to time, require, and comply with such provisions as the United States government may, from time to time, find necessary to assure the correctness and verification of such reports;

(8) To establish, extend and strengthen child welfare services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent;

(9) To expend child welfare service funds for payment of part of the cost of district, county or other local child welfare services;

(10) To administer state child welfare activities and develop state services for the encouragement and assistance of adequate methods of community child welfare organizations;

(11) To appoint, when and if it may deem necessary, advisory committees to provide professional or technical consultation in respect to welfare problems and welfare administration. The members of such advisory committees shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties. The number of members of each such advisory committee shall be determined by the division of family services, and such advisory committees shall consult with and advise the division of family services in respect to problems and policies incident to the administration of the particular function germane to the respective field of competence;

(12) To initiate or cooperate with other agencies in developing measures for the prevention of dependency and the rehabilitation of needy persons;

(13) To collect statistics, make special fact-finding studies and publish reports in reference to public welfare;

(14) To establish or cooperate in research or demonstration projects relative to the welfare program, such as those relating to the prevention and reduction of dependency and economic distress, or which will aid in effecting coordination of planning between private and public welfare agencies, or which will help improve the administration and effectiveness of programs carried on or assisted under the federal Social Security Act and the programs related thereto;

(15) To provide appropriate public welfare services to promote, safeguard and protect the social well-being and general welfare of children and to help maintain and strengthen family life, and to provide such public welfare services to aid needy persons who can be so helped to become self-supporting or capable of self-care;

(16) Upon request, to cooperate with the juvenile court and furnish social studies and reports to the court with respect to children as to whom adoption or neglect petitions have been filed;

(17) To accept for social services and care, homeless, dependent or neglected children in all counties where legal custody is vested in the division of family services by the juvenile court where the juvenile court has acquired jurisdiction pursuant to subdivision (1) or (2) of subsection 1 of section 211.031, RSMo; provided that prior to legal custody being vested in the division of family services, the division of family services shall conduct an evaluation of the child, examine the child and investigate all pertinent circumstances of his **or her** background for the purpose of determining appropriate services and a treatment plan for the child. This evaluation shall involve local division staff and consultation with the juvenile officer or [his] **the officer's** designee, appropriate state agencies, including but not limited to the department of mental health and the department of elementary and secondary education, or private practitioners who are knowledgeable of the child or programs or services appropriate to the needs of the child and shall be completed within thirty days. Temporary custody may be placed with the division of family services while the

evaluation is being conducted. A report of such proceedings and findings shall be submitted in writing to the appropriate court:

(a) The division may, at any time, if it finds the child placed in its custody is in need of care or treatment other than that which it can provide, apply to the court which placed such child for an order relieving it of custody of such child. The court must make a determination within ten days and the court shall be vested with full power to make such disposition of the child as is authorized by law, including continued custody;

(b) The division may, prior to the child's eighteenth birthday, if it finds the child placed in its custody is in need of care or treatment beyond the child's eighteenth birthday, apply to the court which placed such child for an order extending custody of such child for good cause. The court must make a determination prior to the child's eighteenth birthday and the court shall be vested with full power to make such disposition of the child as is authorized by law, including continued custody beyond the child's eighteenth birthday;

(c) However, no payments for care shall be made:

a. To facilities with which the division of family services has no contract to provide such care, or to facilities in the state of Missouri which are not licensed by the state of Missouri unless exempt from such licensure;

b. To any facility outside the state of Missouri unless the division of family services determines that there is no facility in the state of Missouri which can provide substantially equivalent care, except that this limitation shall not apply to any facility outside the state of Missouri if that facility is the closest available facility to the child's home or the division of family services determines that such placement is in the child's best interest; nor

c. To any facility outside the state of Missouri which is not licensed or exempted from licensure by the state in which it is located, or which cannot document that it meets requirements which would be necessary for licensure in the state of Missouri. The term "care" shall include room, board, clothing, medical care, dental care, social services and incidentals;

(18) To accept gifts and grants of any property, real or personal, and to sell said property and expend such gifts or grants not inconsistent with the administration of this chapter and within the limitations imposed by the donor thereof;

(19) To make periodic surveys of cost-of-living factors in relation to the needs of recipients of public assistance, and establish standards or budgetary guides for determining minimum costs of meeting such requirements, and amend such standards from time to time as circumstances may require.

2. All powers and duties of the division of family services shall, so far as applicable, apply to the administration of any other law or state law wherein duties are imposed upon the division of family services acting as a state agency.

453.005. 1. The provisions of sections 453.005 to 453.400 shall be construed so as to promote the best interests and welfare of the child in recognition of the entitlement of the child to a permanent and stable home.

2. The division of family services and all persons involved in the adoptive placement of children as provided in subdivisions (1), (2) and (4) of section 453.014, shall provide for the diligent recruitment of potential adoptive homes that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed.

3. [In the selection of an adoptive home, consideration shall be given to both a child's cultural, racial and ethnic background and the capacity of the adoptive parents to meet the needs of a child of a specific background, as one of a number of factors used in determining whether a placement is in the child's best interests. This factor must, however, be applied on an individualized basis, not by general rules.

4.] Placement of a child in an adoptive home may not be delayed or denied on the basis of race, color or national origin."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Bentley moved that **SCS** for **SBs 44** and **59**, as amended, be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SBs 44** and **59**, as amended, was declared perfected and ordered printed.

SB 14 was placed on the Informal Calendar.

Senator Mathewson moved that **SB 14** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

At the request of Senator Mathewson, **SB 14** was placed on the Informal Calendar.

Senator Bentley moved that **SBs 46** and **47** with **SCS** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 46** and **47** was again taken up.

Senator Bentley offered **SS** for **SCS** for **SBs 46** and **47**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 46 and 47

An Act to repeal sections 167.181, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070 and 332.311, RSMo 2000, relating to dental care, and to enact in lieu thereof thirteen new sections relating to the same subject, with a termination date and an emergency clause for certain sections.

Senator Bentley moved that **SS** for **SCS** for **SBs 46** and **47** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 46 and 47, Page 10, Section 192.070, Line 8, by inserting after all of said line the following:

"332.072. Notwithstanding any other provision of law to the contrary, any qualified dentist who is legally authorized to practice pursuant to the laws of another state may practice as a dentist in this state without examination by the board or payment of any fee and any qualified dental hygienist who is a graduate of an accredited dental hygiene school and legally authorized to practice pursuant to the laws of another state may practice as a dental hygienist in this state without examination by the board or payment of any fee, if such dental or dental hygiene practice consists solely of the provision of gratuitous dental or dental hygiene services provided for [a summer camp for] a period of not more than fourteen days in any one calendar year. Dentists and dental hygienists who are currently licensed in other states and have been refused licensure by the state of Missouri or previously been licensed by the state, but are no longer licensed due to suspension or revocation shall not be allowed to provide gratuitous dental services within the state of Missouri. Any dental hygiene services provided pursuant to this section shall be performed under the supervision of a dentist providing dental services pursuant to this section or a dentist licensed to practice dentistry in Missouri."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amend-ment be adopted, which motion prevailed.

Senator Bentley moved that **SS** for **SCS** for **SBs 46** and **47**, as amended, be adopted, which motion prevailed.

On motion of Senator Bentley, **SS** for **SCS** for **SBs 46** and **47**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Com-mittee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 227**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 241**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 203**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On motion of Senator Kenney, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 194, regarding Randy Moore, Mark Twain Forest Superintendent, which was adopted.

Senator Yeckel offered Senate Resolution No. 195, regarding Zachary Ebers, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 196, regarding Joseph W. Layden, Bonne Terre, which was adopted.

THIRD READING OF SENATE BILLS

SB 72, introduced by Senator Loudon, entitled:

An Act to repeal sections 109.120 and 109.241, RSMo 2000, relating to public and business records, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 72** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster

Gibbons	Goode	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Scott	Stoll--3	
	Absent with leave--Senator Gross--1		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 125, introduced by Senator Bentley, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 125** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Schneider	Scott--3	
	Absent with leave--Senator Gross--1		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 197, with **SCS**, introduced by Senator Johnson, entitled:

An Act to repeal section 320.091, RSMo 2000, relating to fire protection, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 197

An Act to repeal section 320.091, RSMo 2000, relating to fire protection, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Johnson moved that **SCS** for **SB 197** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 197** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Scott-- 1		
	Absent with leave--Senator Gross-- 1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman assumed the Chair.

Senator Mathewson moved that **SB 14** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 14, Page 1, Section 221.407, Line 1, by inserting immediately after the word "district" the following: ", **except any district that includes a noncharter county of the first classification with a population of not less than eighty thousand and not more than eighty-three thousand,**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Mathewson, **SB 14**, as amended, was placed on the Informal Calendar.

Senator Russell moved that **SB 12** be taken up for perfection, which motion prevailed.

On motion of Senator Russell, **SB 12** was declared perfected and ordered printed.

Senator Childers moved that **SB 128** be taken up for perfection, which motion prevailed.

On motion of Senator Childers, **SB 128** was declared perfected and ordered printed.

SB 89 and **SB 37**, with **SCS**, were placed on the Informal Calendar.

Senator Klarich moved that **SB 39** and **SB 269**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 39** and **269**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 39 and 269

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **SBs 39** and **269** be adopted.

Senator Gibbons assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 39 and 269, Page 1, Section A, Line 3, by adding after such line the following:

"478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982.

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Klarich, **SB 39** and **SB 269**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 256**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 186**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 382**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 474-By Rohrbach.

An Act to repeal section 544.170, RSMo 2000, relating to confinement of persons without process, and to enact in lieu thereof one new section relating to the same subject.

SB 475-By Yeckel.

An Act to repeal sections 160.534 and 164.303, RSMo 2000, relating to gambling moneys for schools, and to enact in lieu thereof three new sections relating to the same subject.

SB 476-By Yeckel, Kinder, Bentley, Singleton, Scott, Russell, Sims, Cauthorn, Gross, DePasco, Childers, Foster, Kenney, Loudon, Steelman, Westfall, Goode, Stoll and Klarich.

An Act to repeal sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.087, 115.089, 115.097, 115.162, 115.225, 115.233, 115.237, 115.277, 115.283, 115.291, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.637, RSMo 2000, relating to elections, and to enact in lieu thereof thirty-four new sections relating to the same subject.

SB 477-By Gross.

An Act to repeal sections 188.015, 188.052, 188.055 and 188.070, RSMo 2000, and to enact in lieu thereof five new sections relating to certain governmental records and their confidentiality, with penalty provisions.

SB 478-By Stoll.

An Act to repeal section 115.279, RSMo 2000, relating to applications for absentee ballots, and to enact in lieu thereof one new section relating to the same subject.

SB 479-By Stoll.

An Act to repeal sections 338.030, 338.043, 338.055, 338.210, 338.220, 338.285 and 338.353, RSMo 2000, relating to pharmacists and pharmacies, and to enact in lieu thereof seven new sections relating to the same subject.

SB 480-By Foster, Russell and Westfall.

An Act to repeal sections 163.172 and 165.011, RSMo 2000, and to enact in lieu thereof two new sections relating to school funds.

SB 481-By Foster and Johnson.

An Act to repeal sections 169.070 and 169.670, RSMo 2000, relating to the public school retirement system, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 482-By Foster and Scott.

An Act to amend chapter 436, RSMo, by adding thereto nine new sections relating to retainage in private building contracts.

SB 483-By Dougherty, Stoll and Bentley.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to public school teachers.

SB 484-By Loudon.

An Act to repeal section 375.775, RSMo 2000, relating to claims of insolvent insurers, and to enact in lieu thereof one new section relating to the same subject.

SB 485-By Loudon.

An Act to amend chapter 313, RSMo, by adding thereto four new sections relating to gambling.

COMMUNICATIONS

Senator Quick submitted the following:

February 13, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am appointing Senator Wayne Goode to the Senate Transportation Committee to fill the vacancy created by the resignation of Senator James Mathewson.

Please revise your records accordingly. Thank you.

Sincerely,

/s/ Ed Quick

Edward E. Quick

Minority Floor Leader

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Peggy Cochran, Jefferson City; and Valerie Maxwell, St. Peters.

On behalf of Senators House, Klarich and himself, Senator Gross introduced to the Senate, Vicky Huesemann, John Burke, Jessica Dederer, Kevin DeSain, Loretta Elliott, Judy Fabre, Douglas Forbeck, Greg Fowler, Jill Hein, George Herina, Kimberly Hertling, Arlene Hoffman, Linda Howard, Mark Hunyar, James Koetting, Jennifer Lee, Chang Liu, Denise Persons, Martha Raginski, Mark Rudolph, Steven Steinbrugge, Gina Stockman, Sharon Stormer, JoAnne Stout, Laurie Stump, Jeffrey Unterreiner, Valerie White, Michelle Reuther, Virginia Dowden, Susan Lauth, Rose Mack, Al Moellenhoff and Don Young, Representatives of Vision St. Charles County Leadership.

Senator Foster introduced to the Senate, Rick and Ann Hale and Larry Cooper, Poplar Bluff.

Senator Kenney introduced to the Senate, volunteers and staff from around the state representing the American Cancer Society.

Senator Bentley introduced to the Senate, Ken Coleman, Trudy Fischer, Jennifer Henderson, Joe McEwen, James Gilbert, Kim Rudderham, Melody Ross, Jennifer Osborn, Lisa Thurman, Dominique Holmes and Chris Severns, Representatives of Boys and Girls Town of Missouri.

Senator Westfall introduced to the Senate, Bob Kennison, Mt. Vernon.

Senator Wiggins introduced to the Senate, Tom, Debbie, Natalie, Erica and Valerie Wilson, Homeschoolers from Kansas City; and Natalie, Erica and Valerie were made honorary pages.

Senator Dougherty introduced to the Senate, his wife, Bev, St. Louis.

Senator Stoll introduced to the Senate, Becky Moore, Karen Huskey, Chuck Naeger and Maureen Thoendal, Jefferson County.

Senator Singleton introduced to the Senate, Gib Garrow, Neosho; and Rusty Enlow, McDonald County.

Senator Cauthorn introduced to the Senate, Brian Musslinger, Lewis County.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Joel T. Jeffries, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY- FIFTH DAY-WEDNESDAY, FEBRUARY 14, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 460-Klarich

SB 461-Mathewson

SB 462-Westfall

SB 463-Westfall and Childers

SB 464-Dougherty and Sims

SB 465-Dougherty, et al

SB 466-Dougherty

SB 467-House

SB 468-Kenney

SB 469-Gross, et al

SB 470-Goode, et al

SB 471-Scott

SB 472-Caskey

SB 473-Dougherty

SB 474-Rohrbach

SB 475-Yeckel

SB 476-Yeckel, et al

SB 477-Gross

SB 478-Stoll

SB 479-Stoll

SB 480-Foster, et al

SB 481-Foster and Johnson

SB 482-Foster and Scott

SB 483-Dougherty, et al

SB 484-Loudon

SB 485-Loudon

THIRD READING OF SENATE BILLS

SB 256-Caskey

SENATE BILLS FOR PERFECTION

1. SB 97-Bentley, with
SCA 1
2. SB 184-Johnson, et al
3. SBs 323 & 230-
Childers, et al,
with SCS
4. SB 226-Goode, et al,
with SCS
5. SB 220-Kinder and
Gross
6. SBs 67 & 40-Gross,
with SCS
7. SB 65-Gibbons, with
SCS
8. SB 317-Stoll, with
SCS
9. SB 50-Childers

10. SBs 253 & 260-Gross,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 14-Mathewson

SB 36-Westfall, et al,
with SCS and SA 1

(pending)

SBs 39 & 269-Klarich and
Goode, with SCS and
SA 1 (pending)

SBs 89 & 37-Kinder, with
SCS

SB 123-Kinder, with SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

SB 58-Stoll

SB 7-Scott

Reported 2/6

SB 207-Klarich

SBs 26 & 126-Johnson, with SCS

Reported 2/12

SB 275-Sims

SB 185-Loudon

SB 224-Russell

SB 10-Caskey, with SCS

SB 136-Wiggins, with SCS

SB 216-Scott

SB 219-Mathewson

SB 258-Rohrbach and Schneider

SB 304-Klarich

SB 252-Singleton

SB 274-Caskey

SB 301-Johnson, with SCS

Reported 2/13

SB 227-Jacob

SB 241-Rohrbach, with SCS

SB 203-Scott

SB 186-Klarich, with SCS

SB 382-Yeckel and Stoll,

with SCS

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,
with HCS
(Senate requests House
recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY--WEDNESDAY, FEBRUARY 14, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"You shall love the Lord your God with all your heart, and with all your soul, and with all your mind...You shall love your neighbor as yourself."
(Matthew 22:37, 39)

God of Love, each day we greet one another and shake one another's hands most courteously and that is the proper thing for us to do. But on this Valentine's Day let us remember to express our love to those who mean so much to us treating them as if they were lobbying us and not just loving us. May we be expressive of our love and care to those whom You have given us to love and show in small ways how our heart sings a song in their presence. And may we be neighborly to those we meet daily, especially those who want nothing from us. In Your Loving Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 197, regarding Mayor Gerald W. Gilkey, Lamar, which was adopted.

Senators Wiggins and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 198

WHEREAS, the members of the Missouri Senate have been pleased to learn that Katheryn Shields, County Executive of Jackson County, has been selected to receive a singular honor by the Missouri Arts Council; and

WHEREAS, on Wednesday, February 14th, Katheryn Shields will receive the 2001 Missouri Arts Award from Governor Bob Holden at a ceremony to be conducted in the Rotunda of the State Capitol to be followed by a reception in her honor at the Governor's Mansion; and

WHEREAS, Ms. Shields has supported the arts and arts projects for many years including enforcement of Kansas City's One Percent for Art Program which resulted in artwork being placed at the American Royal Complex and at Bartle Hall; and

WHEREAS, after her election as County Executive in 1994, Ms. Shields initiated the Jackson County Public Arts and Preservation Program through which in 1998 the County installed the sculpture "Shadow Garden" in front of the Jackson County Detention Center Annex;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute Jackson County Executive Katheryn Shields on receiving the 2001 Missouri Arts Award, express their appreciation for her outstanding contributions to furthering the cause of the arts in Kansas City and Jackson County and extend to Ms. Shields very best wishes for many long years of continued success, good health and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Katheryn Shields, Jackson County Park Department and Missouri Arts Council.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 486-By Yeckel.

An Act to repeal section 321.703, RSMo 2000, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, relating to fire protection districts, and to enact in lieu thereof two new sections relating to the same subject.

SB 487-By Yeckel.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to assessment and levy of property taxes.

SB 488-By Klindt, Loudon, Russell, Foster, Steelman, Cauthorn and Rohrbach.

An Act to amend chapter 590, RSMo, by adding thereto nine new sections relating to the training and certification of uniformed officers of the department of corrections, with penalty provisions.

SB 489-By Bentley.

An Act to repeal sections 337.615, 337.618 and 337.622, RSMo 2000, relating to the licensure of baccalaureate social workers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 490-By Dougherty and Loudon.

An Act to repeal section 578.012, RSMo 2000, relating to animal abuse, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 491-By Rohrbach.

An Act to repeal section 198.280, RSMo 2000, relating to nursing home districts, and to enact in lieu thereof one new section relating to the same subject.

THIRD READING OF SENATE BILLS

SB 58, introduced by Senator Stoll, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to "Bird Appreciation Day".

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 58** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Scott	Sims
Staples	Steelman	Stoll	Wiggins
Yeckel--29			
NAYS--Senators			
Gibbons	Rohrbach	Singleton	Westfall--4
Absent--Senators--None			
Absent with leave--Senator Schneider--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

Senator Rohrbach assumed the Chair.

SB 7, introduced by Senator Scott, entitled:

An Act to repeal section 71.794, RSMo 2000, relating to business districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 7** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator Schneider--1

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 207, introduced by Senator Klarich, entitled:

An Act to repeal section 334.128, RSMo 2000, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 207** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator Schneider--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 256, introduced by Senator Caskey, entitled:

An Act to repeal sections 644.037, 644.572, 644.574 and 644.576, RSMo 2000, relating to political subdivisions, and to enact in lieu thereof five new sections, with an emergency clause.

Was taken up.

On motion of Senator Caskey, **SB 256** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
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Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Rohrbach-- 1

Absent--Senators--None

Absent with leave--Senator Schneider-- 1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Schneider-- 1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 36**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Westfall offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 5, by inserting immediately after the word "provisions" the following: "and an effective date"; and

Further amend said bill, Page 15, Section 577.602, Line 39, by inserting after all of said line the following:

"Section B. The repeal and reenactment of sections 302.302, 302.309, 302.505, 302.510, 302.520, 302.541, 577.012, 577.023, 577.037, 577.600 and 577.602, shall become effective September 29, 2001.".

Senator Westfall moved that the above substitute amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 36, Page 10, Section 577.012, Line 12, by inserting immediately after said line the following:

"577.021. A member of the state highway patrol, **county or municipal law enforcement officer** may, prior to arrest, administer a chemical test to any person suspected of operating a motor vehicle in violation of section 577.010 or 577.012. A test administered pursuant to this section shall be admissible as evidence of probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of blood alcohol content. The provisions of section 577.020 shall not apply to a test administered prior to arrest pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 3, by striking the words "alcohol-related"; and

Further amend said bill, Page 9, Section 302.520, Line 28, by inserting after all of said line the following:

"302.535. 1. Any person aggrieved by a decision of the department may file a petition for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to chapter 536, RSMo. The petition shall be filed in the circuit court of the county where the arrest occurred. The case shall be decided by the judge sitting without a jury. The presiding judge of the circuit court may assign a [traffic judge, pursuant to section 479.500, RSMo 1994, a] circuit judge or an associate circuit judge to hear such petition.

2. The filing of a petition for trial de novo shall not result in a stay of the suspension or revocation order. But upon the filing of such petition, a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education shall be issued by the department if the person's driving record shows no prior alcohol related enforcement contact during the immediately preceding five years. Such limited driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

3. In addition to the limited driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license."; and

Further amend said bill, Page 10, Section 302.541, Line 18, by inserting after all of said line the following:

"479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010, RSMo, which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. [These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309, 302.311, 302.535 and 302.750, RSMo.]

4. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

5. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

6. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. No term of imprisonment or confinement may be assessed by a traffic judge. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

7. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

8. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording

equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.

9. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.

10. All costs to establish and operate a county municipal court under section 66.010, RSMo, and this section shall be borne by such county."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Westfall raised the point of order that **SA 3** is out of order as it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Westfall, **SB 36**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 13**.

HOUSE CONCURRENT RESOLUTION NO. 13

WHEREAS, the current federal milk marketing order pricing system does not fully account for regional differences in the costs of producing milk and only establishes a minimum price for milk; and

WHEREAS, by design, the federal program relies on state regulation for an adjustment in fluid milk prices to account for regional differences; however, the courts have ruled that individual states do not have the authority to regulate milk prices under the Interstate Commerce Clause of the United States Constitution; and

WHEREAS, Congress may delegate its regulatory authority over interstate commerce to regional groupings of states through the mechanism of an interstate compact; and

WHEREAS, entering into dairy compacts is thus the means for states to obtain from Congress the regulatory authority over their region's interstate markets for milk; and

WHEREAS, the Southern Dairy Compact shall become effective when entered into by three of the designated states in the Compact and when the consent of Congress has been obtained; and

WHEREAS, at least three states of the required states having entered into the Southern Dairy Compact, leaving on the necessary consent of Congress to be obtained before the Compact shall become effective:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to consent to the Southern Dairy Compact to allow the states that enter into the Compact to have regulatory authority over their region's interstate markets for milk; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of

this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and every member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 12**; **SB 32**; **SCS** for **SBs 44** and **59**; **SB 128**; and **SS** for **SCS** for **SBs 46** and **47**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SB 32** to the Committee on State Budget Control.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 199, regarding Michael and Vicki McDaniel, Fulton, which was adopted.

Senator Foster offered Senate Resolution No. 200, regarding Sheila Perry, Ed.D., Bloomfield, which was adopted.

Senator Russell offered Senate Resolution No. 201, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill England, Lebanon, which was adopted.

Senator Bentley offered Senate Resolution No. 202, regarding James Hutcheson, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, M.D., Osceola.

On behalf of Senator Jacob and himself, Senator House introduced to the Senate, Jesse Williams, E.M.T.P., Amber Hoffman, E.M.T., Gordon Larson, E.M.T.P., Carrie DuVall, E.M.T., Judy Heidlage, R.N., Delwyn Duncan, Eric McDonnell, Tracy Summerfield and Tim Hickman, Columbia.

Senator Staples introduced to the Senate, Mr. and Mrs. Lee, Fenton.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-SIXTH DAY-THURSDAY, FEBRUARY 15, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 460-Klarich

SB 461-Mathewson

SB 462-Westfall

SB 463-Westfall and

Childers

SB 464-Dougherty and Sims

SB 465-Dougherty, et al

SB 466-Dougherty

SB 467-House

SB 468-Kenney

SB 469-Gross, et al

SB 470-Goode, et al

SB 471-Scott

SB 472-Caskey

SB 473-Dougherty

SB 474-Rohrbach

SB 475-Yeckel

SB 476-Yeckel, et al

SB 477-Gross

SB 478-Stoll

SB 479-Stoll

SB 480-Foster, et al

SB 481-Foster and Johnson

SB 482-Foster and Scott

SB 483-Dougherty, et al

SB 484-Loudon

SB 485-Loudon

SB 486-Yeckel

SB 487-Yeckel

SB 488-Klindt, et al

SB 489-Bentley

SB 490-Dougherty and

Loudon

SB 491-Rohrbach

THIRD READING OF SENATE BILLS

SB 12-Russell

SB 32-Kinder

(In Budget Control)

SCS for SBs 44 & 59-Bentley

SB 128-Childers

SS for SCS for SBs 46

& 47-Bentley

SENATE BILLS FOR PERFECTION

1. SB 97-Bentley, with
SCA 1
2. SB 184-Johnson, et al
3. SBs 323 & 230-
Childers, et al,
with SCS
4. SB 226-Goode, et al,
with SCS
5. SB 220-Kinder and Gross
6. SBs 67 & 40-Gross,
with SCS
7. SB 65-Gibbons, with SCS
8. SB 317-Stoll, with SCS
9. SB 50-Childers
10. SBs 253 & 260-Gross,
with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 14-Mathewson
- SB 36-Westfall, et al,
with SCS (pending)

SBs 39 & 269-Klarich and
Goode, with SCS and
SA 1 (pending)

SBs 89 & 37-Kinder, with
SCS
SB 123-Kinder, with SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/6

SBs 26 & 126-Johnson,
with SCS

Reported 2/12

SB 275-Sims

SB 185-Loudon

SB 224-Russell

SB 10-Caskey, with SCS

SB 136-Wiggins, with SCS

SB 216-Scott

SB 219-Mathewson

SB 258-Rohrbach and

Schneider

SB 304-Klarich

SB 252-Singleton

SB 274-Caskey

SB 301-Johnson, with SCS

Reported 2/13

SB 227-Jacob

SB 241-Rohrbach, with SCS

SB 203-Scott

SB 186-Klarich, with SCS

SB 382-Yeckel and Stoll,

with SCS

RESOLUTIONS

SR 58-Singleton

To be Referred

HCR 13-Shoemyer

Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY--THURSDAY, FEBRUARY 15, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Wisdom consists in doing the next thing you have to do, doing it with your whole heart and finding delight in doing it." (Meister Eckart)

Precious Lord, as we race through this day may we put our whole selves into what must be done so that it doesn't need to be redone. May we go to those we love and love them with our whole heart so completely that they know we are giving our whole self to them. And may we find the delight that comes from completely being present with them in the hearing of Your word this weekend. In Your Gracious Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 203, regarding Ann L. Wagner, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 204, regarding Shauna McGinnis, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 205, regarding Boy Scout Troop 42, Lee's Summit, which was adopted.

Senator Steelman offered Senate Resolution No. 206, regarding Violet M. Black, Fulton, which was adopted.

Senator Gibbons offered Senate Resolution No. 207, regarding Mark Edward Price, Jr., St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 208, regarding Doc's Harley-Davidson, Kirkwood, which was adopted.

CONCURRENT RESOLUTIONS

Senators Steelman, Klarich, Stoll, Wiggins, Kinder, Scott, Staples, House, Loudon, Cauthorn, Yeckel, Gibbons, Rohrbach, DePasco, Childers, Russell, Klindt, Gross, Sims and Carter offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, on January 29, 2001, the United States District Court for the District of Columbia in the case of Sierra Club v. Browner ordered the United States Environmental Protection Agency to decide by March 12, 2001, whether the St. Louis area is in serious violation of standards for ozone air pollution; and

WHEREAS, since the court was barred from ordering the Environmental Protection Agency to find the St. Louis area in "serious" violation, the question of what the EPA will ultimately decide to do is still open; and

WHEREAS, a "serious" designation by the Environmental Protection Agency for the St. Louis area would be significant for the region because it could deter the development of new industries in the region by requiring more costly and restrictive air pollution controls on industry aimed at improving air quality as well as imposing penalties, such as the withholding of federal highway dollars; and

WHEREAS, the state of Missouri and its citizens have worked hard to improve the St. Louis area's air quality through such steps as the use of reformulated gasoline, the implementation of stricter industry controls on emissions, improvements in mass transit, a vehicle inspection program that started in April 2000 and the placement of nozzles on gas pumps to collect gas fumes; and

WHEREAS, last year, the Environmental Protection Agency agreed to give the St. Louis area until November of 2003 to meet the ozone standards and any reduction in that timeframe would be unfair to the citizens of St. Louis and the state who have worked so diligently to improve the air quality:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Environmental Protection Agency to provide the St. Louis area with the time promised last year to meet the ozone standards before declaring the area is in serious violation of standards for ozone air pollution; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for President George Bush, Environmental Protection Agency Administrator Christine Todd Whitman, Governor Bob Holden and each member of the Missouri congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 492-By Westfall and Wiggins.

An Act to repeal section 36.030, RSMo 2000, relating to state personnel law, and to enact in lieu thereof one new section relating to the same subject.

SB 493-By Westfall and Wiggins.

An Act to repeal section 36.030, RSMo 2000, relating to state personnel law, and to enact in lieu thereof one new section relating to the same subject.

SB 494-By Stoll.

An Act to repeal sections 52.260 and 163.031, RSMo 2000, relating to ad valorem property tax collections, and to enact in lieu thereof three new sections relating to the same subject, with effective dates.

THIRD READING OF SENATE BILLS

SB 26, introduced by Senator Johnson and **SB 126**, introduced by Senator Bentley, with **SCS**, entitled respectively:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to high school diplomas for World War II veterans.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to high school diplomas for World War II veterans.

Were called from the Consent Calendar and taken up by Senator Johnson.

SCS for **SBs 26** and **126**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 26 and 126

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to high school diplomas for World War I and World War II veterans.

Was taken up.

Senator Johnson moved that **SCS** for **SBs 26** and **126** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SBs 26** and **126** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators Jacob--1			
Absent with leave--Senator Scott--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Gross moved that **SCR 3** be taken up for adoption, which motion prevailed.

On motion of Senator Gross, **SCR 3** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Jacob	Johnson--3	
	Absent with leave--Senator Scott--1		

Senator Klarich moved that **SCR 5**, with **SCS** be taken up for adoption, which motion prevailed.

SCS for **SCR 5** was taken up.

Senator Klarich offered **SS** for **SCS** for **SCR 5**:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, the state abuse and neglect hotline received approximately 46,270 reports of child abuse or neglect, involving nearly 71,500 children in Missouri in 1999; and

WHEREAS, approximately, 17,700 reports were assigned for further investigation in 1999 and, of those investigated, 54 percent were found to be unsubstantiated; and

WHEREAS, there exists a need for continued accountability in the review and investigation of child abuse and neglect cases; and

WHEREAS, there exists an additional need for assistance within and oversight of the agencies handling child abuse and neglect reports in order to ensure that every child's case is appropriately handled; and

WHEREAS, a need for clarification, uniformity, accountability and standardization of what constitutes the best interest of the child exists; and

WHEREAS, there is a general presumption pursuant to Chapters 210, 452, 453, 454, 455 and 487, RSMo, that the courts of the state of Missouri in consideration of matters involving domestic relations and particularly those matters concerning child custody and visitation shall under the law use their discretion to protect the best interest of the child; and

WHEREAS, there exists a need for families to be able to have expectations on how the law will be applied and to not rely solely upon the discretion of the court without accountability for the court's findings; and

WHEREAS, there exists a need for specific statutory guidelines directing the court in their consideration and deliberation of child custody and visitation when determining the best interest of the child and a required format for reporting the court's findings to provide for uniformity and accountability and to reduce arbitrary discretion; and

WHEREAS, there exists a need to prevent arbitrary discretion in the termination of parental rights without uniformity and accountability for the findings of the court:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a Child Abuse and Neglect Commission in the office of the Governor which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child; and

BE IT FURTHER RESOLVED that the Child Abuse and Neglect Commission shall be composed of 11 members to be appointed by the Governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a psychologist, a pediatrician, an educator, a Division of Family Services designee, and three citizens of the state of Missouri to serve four-year terms and of the members first appointed, three shall serve for a term of two years, three shall serve for a term of three years, and four shall serve for a term of four years; and

BE IT FURTHER RESOLVED that the Commission shall make its first report to the Governor and the General Assembly by February 1, 2002, and any subsequent reports shall be made to the Governor and the General Assembly as necessary; and

BE IT FURTHER RESOLVED that all members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the Commission; and

BE IT FURTHER RESOLVED that the office of the Governor shall provide funding, administrative support, and staff for the effective operation of the Commission; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Senator Klarich moved that **SS** for **SCS** for **SCR 5** be adopted.

Senator Bentley offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Concurrent Resolution No. 5, Page 2, Lines 25 and 28, by deleting the number "11" and inserting in lieu thereof the number "12"; and in line 28 after the word "educator," the following: "the chairman of the Childrens Services Commission,".

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Concurrent Resolution No. 5, Page 3, Line 6, by adding after the word "Governor" the words: ", the chief justice of the Supreme Court,".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Concurrent Resolution No. 5, Page 3, Line 2, by striking the word "three" and inserting in lieu thereof the following: "**four**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Concurrent Resolution No. 5, Page 2, Line 29, by inserting after the word "Missouri" the following: ", chosen to reflect the racial composition of the state,".

Senator Bland moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **SCR 5**, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

DePasco	Dougherty	Mathewson	Stoll--4
Absent with leave--Senator Scott--1			

MISCELLANEOUS

President Pro Tem Kinder submitted the following revised Senate Hearing Schedule:

COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following:

February 15, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Michael Gibbons to the Senate Civil and Criminal Jurisprudence Committee.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 46** and **47** to the Committee on State Budget Control.

President Pro Tem Kinder referred **HCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 455** to the Committee on Commerce and Environment.

President Pro Tem Kinder re-referred **SB 334** to the Committee on Ways and Means.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 302** and **38**, entitled:

An Act to repeal sections 302.302, 302.309, 302.505, 302.510, 302.520, 302.541, 306.112, 306.117, 577.012 and 577.037, RSMo 2000, relating to driving with excessive blood alcohol content, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Kinder assumed the Chair.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 495-By Schneider.

An Act to repeal sections 478.320 and 478.437, RSMo 2000, relating to judges in certain judicial circuits, and to enact in lieu thereof two new sections relating to the same subject.

SB 496-By Schneider.

An Act to repeal section 287.210, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 497-By Westfall.

An Act to amend chapter 163, RSMo, by adding thereto one new section relating to state aid for education of students with limited English proficiency.

SB 498-By Westfall.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to damages caused by wild elk to motor vehicles.

SB 499-By Mathewson, Goode, Childers, Staples and Stoll.

An Act to repeal sections 394.020, 394.080, 394.120, 394.130, 394.200, 394.312 and 394.315, RSMo 2000, relating to retail electric choice, and to enact in lieu thereof twenty-three new sections relating to the same subject.

SB 500-By Mathewson.

An Act to repeal sections 178.892, 620.470 and 620.474, RSMo 2000, relating to job training, and to enact in lieu thereof three new sections relating to the same subject.

SB 501-By Goode and Mathewson.

An Act to repeal sections 153.030 and 153.034, RSMo 2000, and to enact in lieu thereof ten new sections relating to the transfer of generation assets by electric utilities to affiliated entities and the development of new utility rate options for retail customers.

SB 502-By Jacob.

An Act to repeal sections 169.141 and 169.715, RSMo 2000, relating to teacher and school employee retirement, and to enact in lieu thereof two new sections relating to the same subject.

SB 503-By DePasco.

An Act to amend chapter 300, RSMo, by adding thereto one new section relating to traffic regulations.

SB 504-By Loudon.

An Act to repeal sections 143.111 and 143.113, RSMo 2000, relating to income tax deductions for health insurance costs, and to enact in lieu thereof four new sections relating to the same subject.

SB 505-By Loudon.

An Act to repeal section 287.020, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SJR 15-By Westfall.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri relating to transportation funding, and adopting one new section in lieu thereof relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 391** and **SB 395**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 222**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 244**, begs leave to report that it has

considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 52** and **SB 91**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 267**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 381**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 114**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 339**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 339, Page 2, Section 313.835, Line 51, by striking the words "Veterans' Administration" and inserting in lieu thereof the words "**United States Department of Veterans' Affairs**"; and further amend line 52, by striking the words "Veterans' Administration System" and inserting in lieu thereof the words "**United States Department of Veterans' Affairs**".

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 48**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 400**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 374**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 239**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 238** and **SB 250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, growing numbers of underinsured Missourians, an increasingly price-driven health care marketplace, and continued growth in enrollment of Medicaid beneficiaries are having critical implications for the future soundness of Missouri's health care safety net that serves a large portion of low-income and uninsured Missourians; and

WHEREAS, despite the nation's robust economy, certain populations in the state of Missouri continue to remain outside the medical and economic mainstream, having little or no access to stable health care coverage; and

WHEREAS, these populations include uninsured citizens of Missouri, low-income underinsured individuals, Medicaid beneficiaries, and patients with special health care needs who rely on safety providers for their care; and

WHEREAS, institutions and physicians in the state of Missouri that have a high level of demonstrated commitment to caring for the uninsured and underserved patients of Missouri are experiencing serious financial problems due to that commitment; and

WHEREAS, these providers in the state include ConnectCare in St. Louis, Truman Medical Centers in Kansas City and University of Missouri Health Care in Columbia, the only state-owned acute care facility serving the state's rural population, comprise Missouri's health care safety net; and

WHEREAS, the number of financially vulnerable people in the state is growing, the direct and indirect subsidies that have helped finance uncompensated care are eroding, and the rapid growth of Medicaid managed care are having significant adverse effects:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Health Care to study the current funding system for safety net providers and develop legislative and budgetary policy that will ensure appropriate compensation as well as preserve the long-term viability of Missouri's safety net providers in recognition of the critical contribution these health care programs have made to the welfare of Missouri's citizens; and

BE IT FURTHER RESOLVED that said committee shall be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that Senate Research, the Committee on Legislative Research, and House Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 209, regarding Julia Rupp, St. Joseph, which was adopted.

Senator Johnson offered Senate Resolution No. 210, regarding Anthony Shop, Kansas City, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 13, 2001

The Honorable Bill Kenney

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Senator Kenney:

Please be advised that I am hereby appointing you to serve on the Joint Committee on Legislative Research (Chapter 23.010.RSMo).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 14, 2001

The Honorable Sidney Johnson

Missouri Senate

State Capitol

Jefferson City, MO 65101

Dear Senator Johnson:

Please be advised that I am hereby appointing you to serve on the Missouri Children's Services Commission (pursuant to Section 210.101, RSMo).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Senator Kenney submitted the following:

February 15, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the River Alliance Republican Caucus.

A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Attachment (1)

Senator Michael Gibbons Senator Chuck Gross

Senator Bill Kenney Senator Peter Kinder

Senator David Klarich Senator David Klindt

Senator John Loudon Senator Larry Rohrbach

Senator John Russell Senator Betty Sims

Senator Sarah Steelman Senator Anita Yeckel

INTRODUCTIONS OF GUESTS

Senator Childers introduced to the Senate, the Physician of the Day, Dr. James P. Lukavsky, M.D., and his children, Chris and Michelle, Nixa.

Senator Klarich introduced to the Senate, Major General Bob Hollingsworth and Lou Andrews, St. Louis County.

Senator Sims introduced to the Senate, Major Robert Thompson, Division Commander and Major David Stewart, General Secretary, Missouri Salvation Army.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 19, 2001.

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY--MONDAY, FEBRUARY 19, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"We cannot forget history...we will be remembered for good or for ill...we cannot escape the burden nor responsibility." (Abraham Lincoln)

Almighty God, on this Presidents' Day we are mindful how You have called forth leaders to take us through perilous times and how they are remembered today. Help us be mindful of our history and the effect the actions of leaders have had on their people so we may make right decisions here in the Senate. So we need Your guidance and direction for what we will say and do for that will determine how we are remembered; may it be that we have lead with wisdom and discernment. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 15, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 211, regarding Cheryl Brown Jackson, Pacific, which was adopted.

Senator Westfall offered Senate Resolution No. 212, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Meadors, Bolivar, which was adopted.

Senator Sims offered Senate Resolution No. 213, regarding Joanne Kohn, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 214, regarding Nicholas Jaworski, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 215, regarding Jennie May, Kansas City, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 216

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Paul Corwin Wheeler; and

WHEREAS, Dr. Wheeler, a native of Kansas City, had lived in Livermore, California, for a number of years; and

WHEREAS, while growing up in Kansas City, Dr. Wheeler attended St. James Grade School, Rockhurst High School and graduated from Rockhurst College summa cum laude in Physics, after which he received a fellowship to Princeton University, where he received a Ph.D. in Nuclear Physics in 1968; and

WHEREAS, Dr. Wheeler worked as a physicist, project leader, liaison to the Secretary of Defense, and an associate director at Lawrence Livermore National Laboratories for 33 years, concentrating in the field of developing nuclear weaponry and held many patents for his inventions and developments he achieved in that field; and

WHEREAS, in 1990 Dr. Wheeler received the DOE Weapons Recognition Excellence Award, was a member of the American Physical Society, Alpha Sigma Nu, the National Jesuit Honor Society, and the Livermore-Amador Symphony Board of Directors, and was the scientific editor of Defense Research Review;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of Dr. Paul Corwin Wheeler, express their appreciation for his lifetime of good citizenship and his outstanding accomplishments in the field of science and physics, and extend to his wife, Mrs. Pat Wheeler, family and many friends, most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Pat Wheeler, sons Paul Wheeler and Michael Wheeler, Rockhurst High School and Rockhurst University.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 506-By Cauthorn and Klindt.

An Act to amend chapter 262, RSMo, by adding thereto four new sections relating to the farmland protection act.

SB 507-By Cauthorn and Klindt.

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to open burning on agricultural land.

SB 508-By Cauthorn and Klindt.

An Act to amend chapter 145, RSMo, relating to estate tax, by adding one new section relating to the same subject.

SB 509-By Cauthorn and Klindt.

An Act to repeal section 33.803, RSMo 2000, relating to performance-based budgeting for state departments, and to enact in lieu thereof one new section relating to the same subject.

SB 510-By Kenney.

An Act to repeal sections 105.269, 160.400 and 160.415, RSMo 2000, relating to charter schools, and to enact in lieu thereof three new sections relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, attempts across the nation to deregulate telecommunications services and energy services and sources have met with both success and failure in the effort to create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services which vary widely based on locality and, within a locality, may vary widely due to increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, the current nationwide effort to establish competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources has potential benefits and adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources necessitate a fair and equitable tax structure across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Tele-communications and Energy has studied the above-mentioned issues during the tenure of the Ninetieth General Assembly and recommends that a similar study committee be established to continue the study during the tenure of the Ninety-first General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint legislative committee on Telecommunications and Energy be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and that said committee be authorized to function throughout the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by prior Joint Interim Committees on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by prior Joint Interim Committees on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale, including consideration of the effects on residential customers, small and large business customers, utility shareholders and other stakeholders, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

THIRD READING OF SENATE BILLS

SB 275, introduced by Senator Sims, entitled:

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to hearing impaired drivers.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 275** was read the 3rd time and passed by the following vote:

YEAS--Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Stoll--3
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Absent with leave--Senators

House	Schneider--2
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The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Loudon moved that motion lay on the table, which motion prevailed.

SB 185, introduced by Senator Loudon, entitled:

An Act to repeal section 301.131, RSMo 2000, relating to historic motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 185** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators
House Schneider--2

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 224, introduced by Senator Russell, entitled:

An Act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to law enforcement districts, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 224** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Scott--1		
	Absent with leave--Senators		
House	Schneider--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Jacob	Scott--3	
	Absent with leave--Senators		
House	Schneider--2		

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klarich moved that **SB 39** and **SB 269**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Singleton assumed the Chair.

Senator Klarich offered **SS** for **SCS** for **SBs 39** and **269**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 39 and 269

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof seven new sections relating to the same subject.

Senator Klarich moved that **SS** for **SCS** for **SBs 39** and **269** be adopted.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 39 and 269, Page 3, Section 537.675, Lines 28-29 of said page, by deleting all of said lines; and

Further amend said section, page 4, lines 1-24 on said page, by deleting all of said lines; and

Further amend said bill, section 537.678, page 4, line 25 of said page, by deleting the words "Seventy-four percent of" on said lines.

Senator Rohrbach moved that the above amendment be adopted.

Senator Klarich requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Caskey, Jacob, Kenney and Rohrbach.

SA 1 failed of adoption by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	Gross
Kenney	Klindt	Loudon	Rohrbach
Russell	Scott	Sims	Staples
Westfall	Yeckel--14		
	NAYS--Senators		
Bentley	Bland	Carter	DePasco
Dougherty	Foster	Goode	House
Jacob	Johnson	Kinder	Klarich
Mathewson	Quick	Schneider	Singleton
Steelman	Stoll	Wiggins--19	
	Absent--Senators--None		
	Absent with leave--Senator Gibbons--1		

At the request of Senator Klarich, **SB 39** and **SB 269**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 460--Ways and Means.

SB 461--Public Health and Welfare.

SB 462--Agriculture, Conservation, Parks and Tourism.

SB 463--Education.

SB 464--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 465--Aging, Families and Mental Health.

SB 466--Education.

SB 467--Ways and Means.

SB 468--Ways and Means.

SB 469--Pensions and General Laws.

SB 470--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 471--Ways and Means.

SB 472--Judiciary.

SB 473--Aging, Families and Mental Health.

SB 474--Civil and Criminal Jurisprudence.

SB 475--Ways and Means.

SB 476--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 477--Public Health and Welfare.

SB 478--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 479--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 480--Education.

SB 481--Pensions and General Laws.

SB 482--Commerce and Environment.

SB 483--Education.

SB 484--Insurance and Housing.

SB 485--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 486--Local Government and Economic Development.

SB 487--Local Government and Economic Development.

SB 488--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 489--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 490--Pensions and General Laws.

SB 491--Local Government and Economic Development.

SB 492--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 493--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 494--Ways and Means.

SB 495--Judiciary.

SB 496--Judiciary.

SB 497--Education.

SB 498--Transportation.

SB 499--Commerce and Environment.

SB 500--Labor and Industrial Relations.

SB 501--Commerce and Environment.

SB 502--Pensions and General Laws.

SB 503--Local Government and Economic Development.

SB 504--Ways and Means.

SB 505--Labor and Industrial Relations.

Senator Klarich assumed the Chair.

REFERRALS

President Pro Tem Kinder referred **SCR 17** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SB 136**, with **SCS**, to the Committee on State Budget Control.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elizabeth K. Grove, 36970 Monroe Road 370, Monroe City, Monroe County, Missouri 63456, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 15, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George A. Pipes, D.O., Democrat, 30349 Keyboard Road, LaPlata, Macon County, Missouri 63549, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 16, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bob Boydston, 7818 North Garfield, Kansas City, Clay County, Missouri 64118, as Commissioner of the Missouri Water Patrol, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Larry T. Whitten, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 16, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George A. Lodes, Democrat, 5916 Wilson Avenue, St. Louis City, Missouri 63110, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until his successor is duly appointed and qualified; vice, Russell Schergen, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 511-By Gibbons, Stoll, DePasco, Wiggins, Loudon, Goode, Yeckel, Dougherty, Jacob, Sims, Scott, Carter and Bentley.

An Act to repeal sections 273.325, 273.327, 273.329, 273.331, 273.333, 273.335, 273.338, 273.340, 273.342, 273.344, 273.346, 273.348, 273.350, 273.352, 273.354 and 273.357, RSMo 2000, relating to animal care facilities, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

SB 512-By House, Stoll and Bentley.

An Act to repeal sections 105.269, 160.400, 160.405, 160.410 and 160.420, RSMo 2000, relating to charter schools, and to enact in lieu thereof five new sections relating to the same subject.

SB 513-By House, Wiggins, DePasco, Bland, Stoll and Dougherty.

An Act to amend chapter 37, RSMo, by adding thereto eleven new sections relating to oversight of public privatization contracts.

SB 514-By Singleton.

An Act to repeal section 196.100, RSMo 2000, relating to labeling of drugs, and to enact in lieu thereof one new section relating to the same subject.

SB 515-By Yeckel.

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

SB 516-By Yeckel.

An Act to amend chapter 512, RSMo, by adding thereto one new section relating to appellate procedure.

SB 517-By Kinder, Singleton and Yeckel.

An Act to amend chapter 37, RSMo, by adding thereto one new section relating to the taxpayers surplus trust fund, with a contingent effective date.

SJR 16-By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, by adding thereto one new section relating to the disposition of tobacco settlement funds.

CONCURRENT RESOLUTIONS

Senator Sims offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 19

WHEREAS, the Child Citizenship Act of 2000, effective February 27, 2001, will grant automatic citizenship to foreign-born children who have been adopted abroad, with stipulations that the child meet basic eligibility criteria and that one of the parents hold United States citizenship; and

WHEREAS, prior to the passage of the Child Citizenship Act, obtaining United States citizenship for foreign-born children who were adopted abroad was a complex and burdensome task that could take years to complete; and

WHEREAS, foreign-born children adopted abroad have already experienced long journeys to become treasured members of many families within

Missouri and throughout the United States; and

WHEREAS, given the large number of foreign-born children who have been adopted by United States parents, February 27, 2001, will be designated as a day in our nation's history when the largest number of persons become United States citizens; and

WHEREAS, parents, siblings and extended families throughout the state and the nation who have experienced the joy of adding members to their families through adoption of foreign-born children are elated at the passage of the Child Citizenship Act of 2000, which is being celebrated throughout the nation:

NOW THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby declare February 27, 2001, to be Child Citizenship Day; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Director of the Department of Social Services and the Commissioner of Education and the members of the Missouri Congressional delegation.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 110**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 344**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 287**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 111**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 321**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 295**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 357**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 348**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 352**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 365**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 394**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 293**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 293, Page 1, Section 620.1580, Lines 14-18, by striking said lines and inserting in lieu thereof the following: "**least one such member being from an organization representative of industry, and with at least one such member being from an organization representative of independent businesses, and with at least one such member being from an organization representative of retail business, and with at least one such member being from an organization representative of local or regional commerce.**".

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 127**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 302**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 366**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 380**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 217, regarding Matthew Mark "Matt" Heathman, Liberty, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Doug Wright, Sante Fe.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-EIGHTH DAY-TUESDAY, FEBRUARY 20, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 506-Cauthorn and

Klindt

SB 507-Cauthorn and

Klindt

SB 508-Cauthorn and

Klindt

SB 509-Cauthorn and

Klindt

SB 510-Kenney

SB 511-Gibbons, et al

SB 512-House, et al

SB 513-House, et al

SB 514-Singleton

SB 515-Yeckel

SB 516-Yeckel

SB 517-Kinder, et al

SJR 15-Westfall

SJR 16-Gross

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

THIRD READING OF SENATE BILLS

SB 12-Russell

SB 32-Kinder

(In Budget Control)

SCS for SBs 44 & 59-Bentley

SB 128-Childers

SS for SCS for SBs 46

& 47-Bentley

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 97-Bentley, with

SCA 1

2. SB 184-Johnson, et al

3. SBs 323 & 230-Childers,

et al, with SCS

4. SB 226-Goode, et al,

with SCS

5. SB 220-Kinder and

Gross

6. SBs 67 & 40-Gross,

with SCS

7. SB 65-Gibbons, with

SCS

8. SB 317-Stoll, with SCS

9. SB 50-Childers

10. SBs 253 & 260-Gross,

with SCS

11. SBs 391 & 395-

Rohrbach, with SCS

12. SB 222-Caskey
13. SB 244-Staples
14. SBs 52 & 91-Childers,
with SCS
15. SB 267-Klarich and
Schneider, with SCS
16. SB 381-Klarich
17. SB 114-Loudon, with SCS
18. SB 339-Stoll and
Childers, with SCA 1
19. SB 48-Sims, with SCS
20. SB 400-Kenney, et al
21. SB 374-Steelman, with
SCS
22. SB 239-Stoll, with
SCS
23. SBs 238 & 250-Staples,
et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 14-Mathewson
- SB 36-Westfall, et al,
with SCS (pending)
- SBs 39 & 269-Klarich and

Goode, with SCS and SS

for SCS (pending)

SBs 89 & 37-Kinder, with

SCS

SB 123-Kinder, with SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/12

SB 10-Caskey, with SCS

SB 136-Wiggins, with SCS

(In Budget Control)

SB 216-Scott

SB 219-Mathewson

SB 258-Rohrbach and Schneider

SB 304-Klarich

SB 252-Singleton

SB 274-Caskey

SB 301-Johnson, with SCS

Reported 2/13

SB 227-Jacob

SB 241-Rohrbach, with SCS

SB 203-Scott

SB 186-Klarich, with SCS

SB 382-Yeckel and Stoll,

with SCS

Reported 2/19

SB 110-Gross

SB 344-Rohrbach and Jacob,

with SCS

SB 287-Klarich, with SCS

SB 111-Gross

SB 303-Johnson

SB 321-Westfall

SB 295-Stoll and Staples

SB 357-Schneider, with SCS

SB 348-Sims

SB 352-Johnson, with SCS

SB 365-Steelman

SB 394-Bentley

SB 293-Steelman, with

SCA 1

SB 127-Childers, with SCS

SB 315-Childers, with SCS

SB 302-Johnson, et al

SB 366-House

SB 380-House

RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 18-Goode

SCR 19-Sims

Reported from Committee

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with

SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY--TUESDAY, FEBRUARY 20, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"To discover God in the smallest and most ordinary things, as well as in the greatest, is to possess a rare and sublime faith." (Jean-Pierre De Caussade)

Almighty God, You know how we can become so preoccupied that we miss only the biggest of things going on around us. Help us to also be aware of small things such as small acts of kindness and courtesy, caring and joy. Help us to embrace all that is about us there for our joy and happiness to comfort and support us. Let us not be so taken with ourselves so that we have little room for others about us who need what only we may be able to provide and therefore miss our opportunity to serve you Oh God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 218, regarding Melody A. Howard, Marshfield, which was adopted.

Senator Bentley offered Senate Resolution No. 219, regarding Jim McManis, Greenfield, which was adopted.

Senator Bentley offered Senate Resolution No. 220, regarding Roy Burlison, Mason, Ohio, which was adopted.

Senator Bentley offered Senate Resolution No. 221, regarding Roy Smalley, Springfield, which was adopted.

Senator Wiggins offered Senate Resolution No. 222, regarding the death of John J. "Jack" Barker, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 223, regarding the death of Paul Joseph Kean, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 518-By DePasco, Foster, Mathewson and House.

An Act to repeal sections 343.010, 343.030, 343.040, 343.050, 343.060, 343.070, 343.080, 343.090, 343.100 and 343.250, RSMo 2000, and to enact in lieu thereof twenty-three new sections relating to licensing of auctioneers, with penalty provisions.

SB 519-By Foster.

An Act to repeal section 135.305, RSMo 2000, relating to a tax credit for wood energy producers, and to enact in lieu thereof one new section relating to the same subject.

SB 520-By Foster.

An Act to repeal section 301.058, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

THIRD READING OF SENATE BILLS

SB 10, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal sections 473.398 and 516.350, RSMo 2000, relating to judicial proceedings, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 10

An Act to repeal sections 473.398 and 516.350, RSMo 2000, relating to judicial proceedings, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 10** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 10** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley
Cauthorn

Bland
Childers

Carter
DePasco

Caskey
Dougherty

Foster	Gibbons	Goode	Gross
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senators		
House	Jacob--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

SB 216, introduced by Senator Scott, entitled:

An Act to repeal section 334.120, RSMo 2000, relating to professional registration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 216** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Jacob--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Senator Klarich assumed the Chair.

SB 219, introduced by Senator Mathewson, entitled:

An Act to repeal section 191.227, RSMo 2000, relating to access to medical records, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 219** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Johnson	Stoll--2		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 36**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 36**, as amended, was again taken up.

At the request of Senator Westfall, **SB 36**, with **SCS**, as amended, was placed on the Informal Calendar.

COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed Senator Klarich and Senator Quick as the Parliamentary Committee.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 36**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 36**, as amended, was again taken up.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 36, Page 4, Section 302.302, Line 88, by inserting after all of

said line the following:

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from such a program.

6. The period of suspension of the driver's license and driving privilege of any person for the first conviction for an offense involving driving with a blood alcohol level of fifteen-hundredths of one percent or more by weight shall be as follows:

(1) For an offense involving blood alcohol content of eight-hundredths of one percent by weight when charged as driving while intoxicated, or fifteen-hundredths to eighteen-hundredths of one percent by weight, sixty days;

(2) For an offense involving blood alcohol content of nineteen-hundredths to twenty-one hundredths of one percent by weight, ninety days;

(3) For an offense involving blood alcohol content of twenty-two hundredths to thirty-hundredths of one percent, one hundred twenty days;

(4) For an offense involving blood alcohol content of more than thirty-hundredths of one percent, one hundred eighty days.

7. Upon petition and for good cause shown, the court may order the director of revenue to issue a limited driving privilege after a period of suspension of at least thirty days for any suspension ordered pursuant to subsection 6 of this section. If a restricted driving privilege is ordered by a court for any offense involving a blood alcohol content of fifteen-hundredths of one percent or more, the court shall require the following as a

condition of such privilege:

- (1) An assessment to determine the level of alcohol abuse;**
- (2) A course of treatment which may be either custodial or non-custodial;**
- (3) Participation in a twelve-step program acceptable to the court;**
- (4) Community service;**
- (5) Restitution, if applicable; and**
- (6) Any other condition as the court deems just and prudent.**

8. Upon completion of [such] **any** period of restricted driving privilege, **if applicable, and** upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving privilege shall be reinstated.

[6.] **9.** If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

[7.] **10.** The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege have been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

[8.] **11.** If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

[9.] **12.** If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or any peace or police officer to secure possession thereof and return it to the director.

[10.] **13.** Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

[11.] **14.** No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a hardship driving privilege granted by a court.

[12.] **15.** Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

[13.] **16.** Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

[14.] **17.** No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010[, except]. The department may waive [such] **the** requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

[15.] **18.** The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend said bill, Page 9, Section 302.520, Line 28, by inserting after all of said line the following:

"302.540. 1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

3. Court-ordered participation in a substance abuse traffic offender program, pursuant to section 577.049, RSMo, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked.

4. The division of alcohol and drug abuse of the department of mental health shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 36**, with **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

On motion of Senator Kenney, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator House offered Senate Resolution No. 224, regarding Bonnie B. Walker, Montgomery City, which was adopted.

Senator Stoll offered Senate Resolution No. 225, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Elmer E. Meng, which was adopted.

Senator Klindt offered Senate Resolution No. 226, regarding Timothy Howard "Tim" Calkin, Oregon, which was adopted.

Senator Gibbons offered Senate Resolution No. 227, regarding Terrence Joseph "T.J." Signaigo, Jr., Fenton, which was adopted.

Senator Gibbons offered Senate Resolution No. 228, regarding Peter J. "Jay" Voss, Ballwin, which was adopted.

Senator Westfall offered Senate Resolution No. 229, regarding the death of Neal Smith Underwood, Mt. Vernon, which was adopted.

THIRD READING OF SENATE BILLS

SB 258, introduced by Senators Rohrbach and Schneider, entitled:

An Act to repeal sections 483.310 and 488.426, RSMo 2000, relating to court fees, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SB 258** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Cauthorn	Childers	DePasco
Dougherty	Foster	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Carter	Caskey--2		
Absent--Senators			
Bentley	Quick	Schneider	Singleton
Stoll--5			
Absent with leave--Senator Gibbons--1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 274, introduced by Senator Caskey, entitled:

An Act to repeal sections 50.1230 and 50.1250, RSMo 2000, relating to the county employees' retirement system, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 274** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Jacob--1			
Absent--Senators			
Bentley	Quick	Schneider--3	
Absent with leave--Senator Gibbons--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SJR 15--Transportation.

SJR 16--Pensions and General Laws.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

REFERRALS

President Pro Tem Kinder referred **SCR 18** and **SCR 19** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 36**, with **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Goode, the above amendment was withdrawn.

Senator Kenney offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 36, Page 10, Section 302.541, Line 18, by inserting immediately after said line the following:

"304.027. 1. There is hereby created in the state treasury for use by the board of curators of the University of Missouri a fund to be known as the "Spinal Cord Injury Fund". All judgments collected pursuant to this section, appropriations of the general assembly, federal grants, private donations and any other moneys designated for the spinal cord injury fund established pursuant to sections 302.133 to 302.138, RSMo, shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly to the board of curators, be received and expended by the board for the purpose of funding research projects that promote an advancement of knowledge in the area of spinal cord injury. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the spinal cord injury fund at the end of any biennium shall not be transferred to the general revenue fund.

2. Any person who violates a speed limit law pursuant to sections 304.009 to 304.011 shall have a judgment entered against the defendant in favor of the spinal cord injury fund, in the amount of five dollars. Any person who is convicted of an intoxication-related offense, as defined by section 577.023, RSMo, shall have a judgment entered against the defendant in favor of the spinal cord injury fund, in the amount of fifty dollars.

3. The judgments collected pursuant to this section shall be paid into the state treasury to the credit of the spinal cord injury fund created in this section. Any court clerk receiving funds pursuant to judgments entered pursuant to this section shall collect and disburse such amounts as provided in sections 488.010 to 488.020, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 36, Page 1, Section A, Line 5, by inserting after all of said line the following:

"302.130. 1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent [or], guardian, **a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program** who has a valid driver's license. Beginning January 1, 2001, an applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition, beginning January 1, 2001, no permit shall be granted pursuant to this subsection unless a parent or legal guardian gives written permission by signing the application and in so signing, state they, or their designee as set forth in subsection 2 of this section, will **either** provide a minimum of twenty hours of behind-the-wheel driving instruction, **or ensure that the applicant completes a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or by a qualified instructor of a private drivers' education program.**

2. In the event the parent, grandparent or guardian of the person under sixteen years of age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian from being a qualified licensed operator pursuant to this section, said parent, grandparent or guardian may designate a maximum of two individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized designee must be a licensed operator for the type of motor vehicle being operated and have attained twenty-one years of age. At least one of the designees must occupy the seat beside the applicant while giving instruction in driving the motor vehicle. The name of the authorized designees must be provided to the department of revenue by the parent, grandparent or guardian at the time of application for the temporary instruction permit. The name of each authorized designee shall be printed on the temporary instruction permit, however, the director may delay the time at which permits are printed bearing such names until the inventories of blank permits and related forms existing on August 28, 1998, are exhausted.

3. The director, upon proper application on a form prescribed by the director, in his or her discretion, may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a high school driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education even though the applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such permit in his or her immediate possession, to operate a motor vehicle on the highways, but only when a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education is occupying a seat beside the driver.

4. The director, in his or her discretion, may issue a temporary driver's permit to an applicant who is otherwise qualified for a license permitting the applicant to operate a motor vehicle while the director is completing the director's investigation and determination of all facts relative to such applicant's rights to receive a license. Such permit must be

in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

5. A person at least fifteen years of age may operate a motor vehicle as part of a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program.

6. The director may adopt rules and regulations necessary to carry out the provisions of this section.

302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340, may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
- (2) Pay the fee required by subsection 3 of this section;
- (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and
- (4) Have a parent, grandparent or legal guardian sign the application stating that the applicant has **either completed a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education, or by a qualified instructor of a private drivers' education program, or** at least twenty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:
 - (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080, RSMo;
 - (b) Has been declared emancipated by a court of competent jurisdiction;
 - (c) Enters active duty in the armed forces;
 - (d) Has written consent to the emancipation from the custodial parent or legal guardian; or
 - (e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses;
- (5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and
- (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.

2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation. Each intermediate driver's license shall

be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle.

3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years.

4. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver-improvement program approved by the director of the department of public safety. The driver-improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

(2) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six-year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

6. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, canceled or revoked in this state or any other state, for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

7. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 36, Pages 13-14, Section 577.600, Lines 1-26, by striking all of said lines and inserting in lieu thereof the following:

"577.600. 1. [Beginning January 1, 1996, in addition to any other provisions of law, a court may require that any person who is found guilty of or pleads guilty to a first intoxication-related traffic offense, as defined in section 577.023, and a court shall require that any person who is found guilty of or pleads guilty to a second intoxication-related traffic offense, as defined in section 577.023, who was granted probation, shall not operate a motor vehicle

during the period of probation unless that vehicle is equipped with a functioning, certified ignition interlock device as provided in sections 577.600 to 577.614. In addition, any court authorized to grant a limited driving privilege under section 302.309, RSMo, may require the use of an ignition interlock device as a condition of the limited driving privilege. Any person required to use an ignition interlock device shall comply with the court order, subject to the penalties provided by sections 577.600 to 577.614.] **Any person who is convicted of a second or subsequent intoxication related traffic offense shall be subject to the impoundment or immobilization of each of his or her motor vehicles, or the installation of an ignition interlock system on each of his or her motor vehicles for a period not to exceed one year from the date of the conviction.**

2. No person shall knowingly rent, lease or lend a motor vehicle to a person known to have had [his] **that person's** driving privilege restricted as provided in subsection 1 of this section, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted as provided in subsection 1 of this section shall notify any other person who rents, leases or loans a motor vehicle to [him] **that person** of the driving restriction imposed [under] **pursuant to** this section.

3. Any person convicted of a violation of this section shall be guilty of a class A misdemeanor."; and

Further amend said bill, pages 14-15, section 577.602, lines 1-39, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion failed.

Senator Rohrbach assumed the Chair.

Senator Schneider offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 302.510, Line 6, by striking the brackets and the words "eight-hundredths".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Quick, Westfall and Wiggins.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Bland	Schneider--2		
NAYS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent--Senators--None			
Absent with leave--Senator Gibbons--1			

Senator Schneider offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 36, Page 10, Section 577.012, Line 4, by adding after "blood" the following: "upon a finding that the person caused injury or damage to the persons or property of another or was guilty of a moving violation".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Goode, Russell and Westfall.

SA 9 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Goode	Quick	Schneider
Scott	Staples--6		
	NAYS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	Absent--Senators--None		
	Absent with leave--Senator Gibbons--1		

Senator Klarich assumed the Chair.

Senator Jacob offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 36, Page 9, Section 302.520, Line 28, by inserting after all of said line the following:

"302.525. 1. The license suspension or revocation shall become effective fifteen days after the subject person has received the notice of suspension or revocation as provided in section 302.520, or is deemed to have received the notice of suspension or revocation by mail as provided in section 302.515. If a request for a hearing is received by or postmarked to the department within that fifteen-day period, the effective date of the suspension or revocation shall be stayed until a final order is issued following the hearing; provided, that any delay in the hearing which is caused or requested by the subject person or counsel representing that person without good cause shown shall not result in a stay of the suspension or revocation during the period of delay.

2. The period of license suspension or revocation under this section shall be as follows:

(1) If the person's driving record shows no prior alcohol related enforcement contacts during the immediately preceding five years:

(a) The period of suspension, **where the blood alcohol content is eight-hundredths of one percent by weight up to ten hundredths of one percent by weight, or no proof of blood alcohol content is available**, shall be thirty days after the effective date of suspension, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving in connection with the person's business, occupation, or employment, and to and from an alcohol education or treatment program;

(b) **The period of suspension, where the blood alcohol content, if available, is ten-hundredths of one percent by weight up to thirteen-hundredths of one percent by weight, shall be forty-five days after the effective date of**

suspension, followed by a forty-five-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving in connection with the person's business, occupation, or employment, and to and from an alcohol education or treatment program;

(c) The period of suspension, where the blood alcohol content, if available, is thirteen-hundredths of one percent by weight up to fifteen-hundredths of one percent by weight, shall be sixty days after the effective date of suspension, followed by a thirty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving in connection with the person's business, occupation, or employment, and to and from an alcohol education or treatment program;

(d) The period of suspension, where the blood alcohol content, if available, is over fifteen-hundredths of one percent by weight, shall be ninety days after the effective date of suspension.

The restricted driving privilege shall not be issued until he or she has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible. In no case shall restricted driving privileges be issued pursuant to this section or section 302.535 until the person has completed the [first thirty days] **initial duration** of [a] suspension under this section;

(2) The period of revocation shall be one year if the person's driving record shows one or more prior alcohol related enforcement contacts during the immediately preceding five years.

3. For purposes of this section, "alcohol related enforcement contacts" shall include any suspension or revocation under sections 302.500 to 302.540, any suspension or revocation entered in this or any other state for a refusal to submit to chemical testing under an implied consent law, and any conviction in this or any other state for a violation which involves driving a vehicle while having an unlawful alcohol concentration.

4. Where a license is suspended or revoked under this section and the person is also convicted on charges arising out of the same occurrence for a violation of section 577.010 or 577.012, RSMo, or for a violation of any county or municipal ordinance prohibiting driving while intoxicated or alcohol related traffic offense, both the suspension or revocation under this section and any other suspension or revocation under this chapter shall be imposed, but the period of suspension or revocation under sections 302.500 to 302.540 shall be credited against any other suspension or revocation imposed under this chapter, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods."; and

Further amend said bill, Page 10, Section 302.541, Line 18, by inserting after all of said line the following:

"577.010. 1. A person commits the crime of "driving while intoxicated" if he **or she** operates a motor vehicle while in an intoxicated or drugged condition.

2. **Except as provided in subsection 3 of this section**, driving while intoxicated is for the first offense, a class [B] C misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years.

3. **Where a person commits the crime of "driving while intoxicated" with a blood alcohol content above ten-hundredths of one percent by weight such first offense shall be a class B misdemeanor.**"; and

Further amend said bill, Page 10, Section 577.012, Lines 1-12, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 36**, with **SCS** and **SA 10** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 288**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 288, Page 5, Section 351.268, Line 16, by striking the opening parenthesis "(" and inserting thereof a comma ","; and further amend line 17, by striking the closing parenthesis ")" and inserting in lieu thereof a comma ",".

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 270**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 370**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SBs 46** and **47**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **SB 136**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Vince O'Flaherty, Linda Tabor, Doug Attebery, Rhonda Cosgrove, Denise Naggi, Fritz Riesmeyer, Karen Miller, Lisa Kearney, Lynn Hire and Mary Leonard; and members of St. Peter's Webelos: Drew Arensberg, Sean Attebery, Tommy Cosgrove, Ian Davis, Sam Dearth, Ryan Doolan, Jack Euston, Patrick Finn, P.J. Hire, Josh Kearney, Nick Latona, Tommy Leonard, Jack Madden, John Martucci, Ryan Miller, Evan Naggi, Danny O'Brien, Jack O'Flaherty, Daniel Riesmeyer, Charlie Sharp, Axel Shum and Sam Tabor, Kansas City; and the Webelos were made honorary pages.

Senator Kenney introduced to the Senate, his son, Carlton, Lee's Summit; and Carlton was made an honorary page.

Senator Stoll introduced to the Senate, eighty students from Hillsboro Junior High, Hillsboro.

Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. Ramswammy Govindan, M.D., Manchester.

Senator Cauthorn introduced to the Senate, Gina Smith and Claire Jepson, Kirksville.

Senator Yeckel introduced to the Senate, John and Laverne Endebrock, St. Louis County.

Senator Westfall introduced to the Senate, Barbara Wommack, Gene Neyer and Mr. and Mrs. Blake and their daughter, Brooke, Aurora.

Senator Johnson introduced to the Senate, Bill and Marilyn Robinson, Wynn and Audrey Howard, Gertie Reeves, Shirley Myers, Joyce Finchem, Mae Duncan, Alice Anderson and Joan Gillman, St. Joseph; Rosemarie Ruffolo, Des Plaines, Illinois; and Tanya Moore, Rosendale.

Senator Klarich introduced to the Senate, participants in the Franklin County OATS Day.

Senator Foster introduced to the Senate, Robert Stewart, Poplar Bluff.

Senator Johnson introduced to the Senate, Dana Staley, Rea.

Senator Klindt introduced to the Senate, Hannah Scharff, Norborne.

Senator Cauthorn introduced to the Senate, Jessi Eckler, Shelbyville.

Senator House introduced to the Senate, Molly Kaimann, Troy.

Senator Caskey introduced to the Senate, Jeff Stone, Clinton.

Senator Mathewson introduced to the Senate, Lorin Price, Marshall.

Senator Singleton introduced to the Senate, Jake Davis, Seneca.

Senator Childers introduced to the Senate, Lane Baldwin, Drury; and Chad Yarnall, Cassville.

Senator Steelman introduced to the Senate, Christopher Mays, Bucyrus; and Kiristie Hill, Hermann.

Senator Staples introduced to the Senate, Brad Detring, Farmington.

Senator Westfall introduced to the Senate, Josh Worthington, Dadeville.

On behalf of Senator Klarich, the President introduced to the Senate, Dr. Jay Elliott, St. Louis; and Christopher Shoff, Adam Delp and Dr. Dan Kapraun, Chesterfield.

Senator Loudon introduced to the Senate, students from Bridgeway Elementary School, Bridgeway; and Derek Gohn, Amanda Beckman, Jamie Macon and Ashley Burris were made honorary pages.

Senator Stoll introduced to the Senate, Michael, Logan and Bryan Santschi, Homeschoolers from Festus; and Logan and Bryan were made honorary pages.

Senator Caskey introduced to the Senate, Dr. Bruce Still, Belton.

Senator Singleton introduced to the Senate, his daughter, Catherine; and Jeremy Goins, Brady Fisher, Aaron Baker, Steven Holland, Adam Cartwright, Brad Toler, Heather Smith, Jeff

Wilson, Richard Petty, Rhoshaunda Walker, Kosta Savic, LaShawn Brewster, Tom Williams, John Mimnaugh, Jason Kiefer, Adam Griffin, John Tipton, Leigh Babbit, Emily Henson, Jennifer Daniel, Jeff Daniel, Doug Carnahan, Kashif Nuriddin, Barry Lindoff, Charles Smith and Zachery Odem, members of the Missouri Southern State College Student Senate.

Senator Singleton introduced to the Senate, Thelma Neff and Cindy Stein, Springfield; and Peggy Patterson, Kansas City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-NINTH DAY-WEDNESDAY, FEBRUARY 21, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 506-Cauthorn and Klindt

SB 507-Cauthorn and Klindt

SB 508-Cauthorn and Klindt

SB 509-Cauthorn and Klindt

SB 510-Kenney

SB 511-Gibbons, et al

SB 512-House, et al

SB 513-House, et al

SB 514-Singleton

SB 515-Yeckel

SB 516-Yeckel

SB 517-Kinder, et al

SB 518-DePasco, et al

SB 519-Foster

SB 520-Foster

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

THIRD READING OF SENATE BILLS

SB 12-Russell

SB 32-Kinder

(In Budget Control)

SCS for SBs 44 & 59-Bentley

SB 128-Childers

SS for SCS for SBs 46

& 47-Bentley

SENATE BILLS FOR PERFECTION

1. SB 97-Bentley, with

SCA 1

2. SB 184-Johnson, et al

3. SBs 323 & 230-

Childers, et al,

with SCS

4. SB 226-Goode, et al,

with SCS

5. SB 220-Kinder and Gross

6. SBs 67 & 40-Gross,

with SCS

7. SB 65-Gibbons, with

SCS

8. SB 317-Stoll, with SCS

9. SB 50-Childers

10. SBs 253 & 260-Gross,
with SCS

11. SBs 391 & 395-
Rohrbach, with SCS

12. SB 222-Caskey

13. SB 244-Staples

14. SBs 52 & 91-Childers,
with SCS

15. SB 267-Klarich and
Schneider, with SCS

16. SB 381-Klarich

17. SB 114-Loudon, with
SCS

18. SB 339-Stoll and
Childers, with SCA 1

19. SB 48-Sims, with SCS

20. SB 400-Kenney, et al

21. SB 374-Steelman, with
SCS

22. SB 239-Stoll, with
SCS

23. SBs 238 & 250-Staples,
et al, with SCS

SENATE BILLS FOR PERFECTION

SB 14-Mathewson

SB 36-Westfall, et al,
with SCS & SA 10 (pending)

SBs 39 & 269-Klarich and
Goode, with SCS and SS
for SCS (pending)

SBs 89 & 37-Kinder, with
SCS

SB 123-Kinder, with SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/12

SB 136-Wiggins, with SCS

SB 304-Klarich

SB 252-Singleton

SB 301-Johnson, with SCS

Reported 2/13

SB 227-Jacob

SB 241-Rohrbach, with SCS

SB 203-Scott

SB 186-Klarich, with SCS

SB 382-Yeckel and Stoll,

with SCS

Reported 2/19

SB 110-Gross

SB 344-Rohrbach and Jacob,

with SCS

SB 287-Klarich, with SCS

SB 111-Gross

SB 303-Johnson

SB 321-Westfall

SB 295-Stoll and Staples

SB 357-Schneider, with

SCS

SB 348-Sims

SB 352-Johnson, with SCS

SB 365-Steelman

SB 394-Bentley

SB 293-Steelman, with

SCA 1

SB 127-Childers, with SCS

SB 315-Childers, with SCS

SB 302-Johnson, et al

SB 366-House

SB 380-House

Reported 2/20

SB 288-Klarich, with

SCA 1

SB 270-Schneider, with SCS

SB 370-Caskey and Goode

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with

SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY--WEDNESDAY, FEBRUARY 21, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Satisfy us in the morning with your steadfast love, so that we may rejoice and be glad all our days." (Psalm 90:14)

Loving Father, we give You thanks that we can spend a quiet moment with You this morning and that Your calming presence can remain with us all through this day. We pray that our hearts may be full of peace and joy as we remember Your constant blessings to us as we do our work and share our time with others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press, KOMU-TV and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 230, regarding Carole Baras, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 231, regarding Forrest Miller, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 521-By Mathewson.

An Act to repeal section 287.123, RSMo 2000, relating to workers' compensation insurance carriers, and to enact in lieu thereof one new section relating to the same subject.

SB 522-By Johnson.

An Act to repeal section 578.005, RSMo 2000, relating to offenses against an animal, and to enact in lieu thereof one new section relating to the same subject.

SB 523-By Scott, Sims and Staples.

An Act to amend chapter 67, RSMo, by adding thereto eight new sections relating to certain sports facilities.

SB 524-By Cauthorn.

An Act to repeal section 144.030, RSMo 2000, relating to sales tax exemptions for materials used in the production of livestock or poultry, and to enact in lieu thereof one new section relating to the same subject.

SB 525-By Cauthorn.

An Act to repeal section 414.032, RSMo 2000, relating to fuel requirements, and to enact in lieu thereof one new section relating to the same subject.

SB 526-By Dougherty.

An Act to repeal sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.170, 292.180, 292.190, 292.240, 292.260, 292.270, 292.280, 292.290, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.550, 292.560 and 320.202, RSMo 2000, relating to the department of labor and industrial relations and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

SB 527-By Dougherty.

An Act to amend chapter 301, RSMo, relating to environmentally conscious motor vehicles by adding thereto one new section relating to the same subject.

SB 528-By Dougherty and Sims.

An Act to repeal section 211.183, RSMo 2000, relating to removal of a child from the home, and to enact in lieu thereof one new section relating to the same subject.

SB 529-By Dougherty.

An Act to amend chapter 640, RSMo, relating to the promotion of energy efficiency by adding thereto one new section relating to the same subject.

SB 530-By Gross.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to reviewing mandated health insurance benefits.

SB 531-By Gross, Klarich and Gibbons.

An Act to repeal sections 135.500, 135.503, 135.516, 208.770 and 620.1450, RSMo 2000, relating to tax credit programs, and to enact in lieu thereof five new sections relating to the same subject.

SB 532-By Foster.

An Act to amend chapter 340, RSMo, by adding thereto eight new sections relating to the large animal veterinary medicine loan repayment program.

SB 533-By Jacob.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to safety course and auto insurance premium discounts for persons fifty-five years of age and older.

SB 534-By Childers.

An Act to amend chapter 321, RSMo, by adding thereto four new sections relating to ambulance and fire protection districts.

SB 535-By Rohrbach.

An Act to repeal sections 375.246, 375.1168, 375.1176, 375.1182 and 375.1202, RSMo 2000, relating to the solvency of certain entities regulated by the director of the department of insurance, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions and an effective date for a certain section.

SB 536-By Schneider.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to commission on judicial resources.

SB 537-By Stoll.

An Act to repeal sections 115.277 and 115.283, RSMo 2000, relating to absentee voting, and to enact in lieu thereof two new sections relating to the same subject.

SJR 17-By Schneider.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 16 of article V of the Constitution of Missouri relating to courts, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 136, with **SCS**, introduced by Senator Wiggins, entitled:

An Act to repeal sections 194.300, 194.302 and 302.171, RSMo 2000, relating to anatomical donation, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 136**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 136

An Act to repeal sections 194.300, 194.302 and 302.171, RSMo 2000, relating to anatomical donation, and to enact in

lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 136** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 136** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Dougherty--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 304, introduced by Senator Klarich, entitled:

An Act to repeal section 456.183, RSMo 2000, relating to trustees' resignation and removal, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Rohrbach assumed the Chair.

On motion of Senator Klarich, **SB 304** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Dougherty	Quick--2		

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

SB 252, introduced by Senator Singleton, entitled:

An Act to authorize the conveyance of certain properties between the Missouri national guard and the city of Joplin.

Was called from the Consent Calendar and taken up.

On motion of Senator Singleton, **SB 252** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators

Dougherty Schneider--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 301, with **SCS**, introduced by Senator Johnson, entitled:

An Act to authorize the conveyance of property owned by Missouri Western State College to the curators of the University of Missouri for use as an extension office.

Was called from the Consent Calendar and taken up.

SCS for **SB 301**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 301

An Act to authorize the conveyance of property owned by Missouri Western State College to the University of

Missouri Extension Council of Buchanan County for use as an extension office.

Was taken up.

Senator Johnson moved that **SCS** for **SB 301** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 301** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Dougherty	Klarich	Schneider	Staples--4
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 36**, with **SCS** and **SA 10** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 10 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Goode offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 302.309, Line 69, by inserting after the word "chapter" the following: "**and has received a needs assessment and recommended course of treatment from a substance abuse traffic offender program**"; and

Further amend said bill, Page 9, Section 302.520, Line 28, by inserting after all of said line the following:

"302.540. 1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record,

the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

3. Court-ordered participation in a substance abuse traffic offender program, pursuant to section 577.049, RSMo, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked.

4. The division of alcohol and drug abuse of the department of mental health shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program. As used in this subsection, a serious or repeat offender is one who was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by weight while operating a motor vehicle or a prior or persistent offender as defined in section 577.023, RSMo."; and

Further amend said bill, Page 10, Section 302.541, Line 18, by inserting after all of said line the following:

"302.543. 1. Prior to reinstating any license pursuant to section 302.304 or 302.540 or section 577.049, RSMo, the court or the director shall require the following as a condition of such license:

- (1) An assessment to determine the level of alcohol abuse;**
- (2) A course of treatment which may be either custodial or non-custodial;**
- (3) Participation in a twelve-step program acceptable to the court or the director;**
- (4) Community service;**
- (5) Restitution, if applicable; and**
- (6) Any other condition as the court or director deems just and prudent.**

2. Prior to issuing any restricted driving privilege pursuant to section 302.304 or 302.525, the court or the director shall require an assessment to determine the level of alcohol abuse. If the assessment recommends that the privilege should be conditioned on any of the following, the court or the director will require such conditions prior to issuing the restricted driving privilege:

- (1) A course of treatment which may be either custodial or non-custodial;**

- (2) **Participation in a twelve-step program acceptable to the court or the director;**
- (3) **Community service;**
- (4) **Restitution, if applicable; and**
- (5) **Any other condition as the court deems just and prudent."**; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Schneider offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bill No. 36, Page 10, Section 577.012, Line 12, by adding:

"4. It shall be an affirmative defense under this section if the defendant can prove by a preponderance of the evidence that the defendant was not intoxicated and was in a condition that he or she was able to safely operate a motor vehicle.".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Klarich, Russell, Stoll and Westfall.

SA 12 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	DePasco	Dougherty
Goode	Jacob	Kinder	Mathewson
Quick	Schneider	Scott	Staples
Stoll	Wiggins-- 14		
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	House	Johnson
Kenney	Klarich	Klindt	Loudon
Rohrbach	Russell	Sims	Singleton
Steelman	Westfall	Yeckel-- 19	
Absent--Senator Carter-- 1			
Absent with leave--Senators--None			

Senator Westfall moved that **SCS** for **SB 36**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 36**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 232, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Lee "Bob" Stevens, Sr., Ballwin, which was adopted.

Senator Jacob offered Senate Resolution No. 233, regarding Michael Feldman, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 21, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Sarah Steelman and Senator Jim Mathewson to serve on the Consolidated Health Care Plan Board of Trustees pursuant to Section 103.008 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 21, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Harold Caskey and Senator Ronnie DePasco to serve on the Joint Committee on Legislative Research. Also by copy of this I am removing Senator Wayne Goode from this committee.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Jonathan, Justin and Preston Smith, Blue Springs.

Senator Wiggins introduced to the Senate, former State Senator, Judge Jack Gant, Jackson County.

Senator Caskey introduced to the Senate, Ken Southwick, Belton.

Senator Russell introduced to the Senate, Ann Dryden, Osage Beach.

Senator Mathewson introduced to the Senate, Brian Zimmerschied, Higginsville.

Senator Westfall introduced to the Senate, Wilma Jean Lower, Ken Potts, Ann Potts, Vicki Simmons, Josephine Johnson, Leila Ellis and Dona Funk, Cedar County.

Senator Bentley introduced to the Senate, Dr. Mark Skrade, Jason Campbell, Louis Hoffman, Jason Engel and Brandi Klepper, Springfield.

Senator Sims introduced to the Senate, Patricia Knoerle-Jordan and Janet Gillow, St. Louis County.

Senator Russell introduced to the Senate, Dennis McCullough, Nancy Heard, Kathy Kesler, Brenda Garrison, Jim McIntire, Jeff Owen, Ron Locke, Tad Messenger, Terry A. Lane and James M. Small, Dallas County.

Senator Yeckel introduced to the Senate, Rick Seim and forty-six freshmen from Oakville High School, St. Louis; and Mindy Harris, Brad Petzold, Ben Schrumm and Amie Willcoxon were made honorary pages.

Senator Russell introduced to the Senate, Elaine Duey, Pat Edquist and Oscar Carter, Mountain Grove.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTIETH DAY-THURSDAY, FEBRUARY 22, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 506-Cauthorn and Klindt

SB 507-Cauthorn and Klindt

SB 508-Cauthorn and Klindt

SB 509-Cauthorn and Klindt

SB 510-Kenney

SB 511-Gibbons, et al

SB 512-House, et al

SB 513-House, et al

SB 514-Singleton

SB 515-Yeckel

SB 516-Yeckel

SB 517-Kinder, et al

SB 518-DePasco, et al

SB 519-Foster

SB 520-Foster

SB 521-Mathewson

SB 522-Johnson

SB 523-Scott, et al

SB 524-Cauthorn

SB 525-Cauthorn

SB 526-Dougherty

SB 527-Dougherty

SB 528-Dougherty and Sims

SB 529-Dougherty

SB 530-Gross

SB 531-Gross, et al

SB 532-Foster

SB 533-Jacob

SB 534-Childers

SB 535-Rohrbach

SB 536-Schneider

SB 537-Stoll

SJR 17-Schneider

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

THIRD READING OF SENATE BILLS

SB 12-Russell

SB 32-Kinder

(In Budget Control)

SCS for SBs 44 & 59-Bentley

SB 128-Childers

SS for SCS for SBs 46

& 47-Bentley

SENATE BILLS FOR PERFECTION

1. SB 97-Bentley, with

SCA 1

2. SB 184-Johnson, et al

3. SBs 323 & 230-Childers,
et al, with SCS
4. SB 226-Goode, et al,
with SCS
5. SB 220-Kinder and Gross
6. SBs 67 & 40-Gross,
with SCS
7. SB 65-Gibbons, with SCS
8. SB 317-Stoll, with SCS
9. SB 50-Childers
10. SBs 253 & 260-Gross,
with SCS
11. SBs 391 & 395-
Rohrbach, with SCS
12. SB 222-Caskey
13. SB 244-Staples
14. SBs 52 & 91-Childers,
with SCS
15. SB 267-Klarich and
Schneider, with SCS
16. SB 381-Klarich
17. SB 114-Loudon, with
SCS
18. SB 339-Stoll and
Childers, with SCA 1
19. SB 48-Sims, with SCS
20. SB 400-Kenney, et al
21. SB 374-Steelman, with SCS

22. SB 239-Stoll, with SCS

23. SBs 238 & 250-Staples,
et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 14-Mathewson

SBs 39 & 269-Klarich and
Goode, with SCS and SS
for SCS (pending)

SBs 89 & 37-Kinder, with SCS

SB 123-Kinder, with SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/13

SB 227-Jacob

SB 241-Rohrbach, with SCS

SB 203-Scott

SB 186-Klarich, with SCS

SB 382-Yeckel and Stoll,
with SCS

Reported 2/19

SB 110-Gross

SB 344-Rohrbach and Jacob,
with SCS

SB 287-Klarich, with SCS

SB 111-Gross

SB 303-Johnson

SB 321-Westfall

SB 295-Stoll and Staples

SB 357-Schneider, with SCS

SB 348-Sims

SB 352-Johnson, with SCS

SB 365-Steelman

SB 394-Bentley

SB 293-Steelman, with

SCA 1

SB 127-Childers, with SCS

SB 315-Childers, with SCS

SB 302-Johnson, et al

SB 366-House

SB 380-House

Reported 2/20

SB 288-Klarich, with SCA 1

SB 270-Schneider, with SCS

SB 370-Caskey and Goode

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with

SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTIETH DAY--THURSDAY, FEBRUARY 22, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Spread snow like a blanket and spread ice like ashes." (Psalm 147:16)

Blessed Lord, we travel through a winter wonderland after last night's snow and are grateful that the difficulties of travel through such were minimized by those whose efforts to make our travel safe and possible were sacrificially given. We pray that You will be watching over our travel and bring us safely home to those we love and we may do the work You have provided for us to do. Bless us and watch over us this weekend in every way. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Quick--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 234, regarding Fox Elementary School, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 235, regarding Richard Simpson Elementary School, Jefferson County, which was adopted.

Senator Foster offered Senate Resolution No. 236, regarding Roger Baldwin, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 237, regarding Harry Blackwell, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 238, regarding Nicholas H. "Nick" Hagler, Patterson, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 538-By Yeckel.

An Act to repeal sections 443.803, 443.805, 443.809, 443.810, 443.812, 443.819, 443.821, 443.825, 443.827, 443.833, 443.839, 443.841, 443.849, 443.851, 443.855, 443.857, 443.859, 443.863, 443.867, 443.869, 443.879, 443.881 and 443.887, RSMo 2000, relating to mortgages and mortgage brokers, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions.

SB 539-By Yeckel.

An Act to repeal section 452.377, RSMo 2000, relating to custody of children, and to enact in lieu thereof one new section relating to the same subject.

SB 540-By Klindt.

An Act to repeal section 32.091, RSMo 2000, relating to motor vehicle records, and to enact in lieu thereof one new section relating to the same subject.

SB 541-By Klindt.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to the establishment of the Missouri tobacco settlement trust fund.

SB 542-By Klindt.

An Act to repeal section 307.100, RSMo 2000, relating to the use of warning signals on motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 543-By Foster.

An Act to repeal section 165.011, RSMo 2000, relating to transfers of funds in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

SB 544-By Johnson.

An Act to authorize the conveyance of an easement on property owned by Missouri Veterans Commission to Spectra Communications.

SB 545-By Johnson.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to tourism.

THIRD READING OF SENATE BILLS

SB 241, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to repeal section 375.355, RSMo 2000, relating to insurance companies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 241**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 241

An Act to repeal section 375.355, RSMo 2000, relating to mergers of insurance companies, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 241** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 241** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Scott
Sims	Staples	Westfall	Yeckel--20
NAYS--Senators			
Caskey	DePasco	House	Mathewson
Schneider	Steelman	Wiggins--7	
Absent--Senators			
Bland	Jacob	Stoll--3	
Absent with leave--Senators			
Carter	Johnson	Quick	Singleton--4

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 203, introduced by Senator Scott, entitled:

An Act to repeal section 32.085, RSMo 2000, relating to the sales tax imposed by the metropolitan park and recreation system, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Klarich assumed the Chair.

On motion of Senator Scott, **SB 203** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House

Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senator Stoll--1

Absent with leave--Senators

Carter	Johnson	Quick	Singleton--4
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The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 12, introduced by Senator Russell, entitled:

An Act to repeal section 484.020, RSMo 2000, relating to the practice of law, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Russell, **SB 12** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Kenney	Kinder
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Yeckel--24
	NAYS--Senators		
Bland	House	Jacob	Klarich
Schneider	Wiggins--6		
	Absent--Senators--None		
	Absent with leave--Senators		
Carter	Johnson	Quick	Singleton--4

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SCS for **SBs 44** and **59**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 44 and 59

An Act to repeal sections 207.020, 453.005, 453.010, 453.070 and 453.080, RSMo 2000, relating to adoption, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up by Senator Bentley.

On motion of Senator Bentley, **SCS** for **SBs 44** and **59** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators

Carter	Johnson	Quick	Singleton--4
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The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 546-By Kenney, Childers, Russell, Klindt, Foster and Cauthorn.

An Act to repeal sections 313.800, 313.802, 313.803, 313.805, 313.807, 313.810, 313.812, 313.815, 313.820, 313.822, 313.824, 313.830, 313.832, 313.835, 313.837, 313.842, 313.843, 313.845, 313.847, 313.848 and 313.850, RSMo 2000, relating to excursion gaming boats, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

SB 547-By Wiggins, Kenney and DePasco.

An Act to repeal section 162.492, RSMo 2000, relating to the election of board members in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

SB 548-By House.

An Act to repeal section 407.1095, RSMo 2000, relating to the amendment of definitions regarding telemarketing practices to further protect consumers, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 549-By Goode, Sims, Bentley, House and Dougherty.

An Act to repeal sections 210.104, 210.107, 302.302 and 307.178, RSMo 2000, and to enact in lieu thereof five new sections relating to child restraint systems, with penalty provisions.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Singleton, Chairman of the Committee on Public Health and Welfare, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 445**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 22** and **SB 106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 214**, **SB 124**, **SB 209** and **SB 322**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SJR 9**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 438**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 251**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 375**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 392**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 372**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 127**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 302**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 17**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 36**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Gross requested unanimous consent of the Senate for the Committee on Pensions and General Laws to meet while the Senate is in Session, which request was granted.

INTRODUCTIONS OF GUESTS

Senator Steelman introduced to the Senate, eighth grade students from St. Joseph's School, Westphalia.

Senator Mathewson introduced to the Senate, Mrs. Jane Britton, Mrs. Anne Rouchka and seventeen seventh and eighth grade students from Dresden Middle School, Dresden; and Nichole and Rachael Logan were made honorary pages.

Senator Rohrbach introduced to the Senate, Mark Rehagen, William Regot, Monica Harris, Thomas Rehagen, Christopher Rehagen, Samantha Clemens, Eric Borman, Brent Cain, Chris Delaney and Shawn Jaegers, Jefferson City.

On behalf of Senator Foster and himself, Senator Kinder introduced to the Senate, Norman Harty, Bernie.

Senator House introduced to the Senate, his daughter, Catherine, St. Charles County.

Senator Rohrbach introduced to the Senate, Richard Helmig, Jefferson City.

On behalf of Senator Quick, Senator Bland introduced to the Senate, Mayor Dan Bishop, Gladstone.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Michael Ryan, M.D., St. Louis.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 26, 2001.

SENATE CALENDAR

THIRTY-FIRST DAY-MONDAY, FEBRUARY 26, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 506-Cauthorn and Klindt

SB 507-Cauthorn and Klindt

SB 508-Cauthorn and Klindt

SB 509-Cauthorn and Klindt

SB 510-Kenney

SB 511-Gibbons, et al

SB 512-House, et al

SB 513-House, et al

SB 514-Singleton

SB 515-Yeckel

SB 516-Yeckel

SB 517-Kinder, et al

SB 518-DePasco, et al

SB 519-Foster

SB 520-Foster

SB 521-Mathewson

SB 522-Johnson

SB 523-Scott, et al

SB 524-Cauthorn

SB 525-Cauthorn

SB 526-Dougherty

SB 527-Dougherty

SB 528-Dougherty and Sims

SB 529-Dougherty

SB 530-Gross

SB 531-Gross, et al

SB 532-Foster

SB 533-Jacob

SB 534-Childers

SB 535-Rohrbach

SB 536-Schneider

SB 537-Stoll

SB 538-Yeckel

SB 539-Yeckel

SB 540-Klindt

SB 541-Klindt

SB 542-Klindt

SB 543-Foster

SB 544-Johnson

SB 545-Johnson

SB 546-Kenney, et al

SB 547-Wiggins, et al

SB 548-House

SB 549-Goode, et al

SJR 17-Schneider

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

THIRD READING OF SENATE BILLS

SB 32-Kinder

(In Budget Control)

SB 128-Childers

SS for SCS for SBs 46

& 47-Bentley

SCS for SB 36-Westfall, et al SENATE BILLS FOR PERFECTION

1. SB 97-Bentley, with SCA 1

2. SB 184-Johnson, et al

3. SBs 323 & 230-Childers,

et al, with SCS

4. SB 226-Goode, et al,
with SCS

5. SB 220-Kinder and Gross

6. SBs 67 & 40-Gross,
with SCS

7. SB 65-Gibbons, with SCS

8. SB 317-Stoll, with SCS

9. SB 50-Childers

10. SBs 253 & 260-Gross,
with SCS

11. SBs 391 & 395-

Rohrbach, with SCS

12. SB 222-Caskey

13. SB 244-Staples

14. SBs 52 & 91-Childers,
with SCS

15. SB 267-Klarich and
Schneider, with SCS

16. SB 381-Klarich

17. SB 114-Loudon, with SCS

18. SB 339-Stoll and

Childers, with SCA 1

19. SB 48-Sims, with SCS

20. SB 400-Kenney, et al

21. SB 374-Steelman, with SCS

22. SB 239-Stoll, with SCS

23. SBs 238 & 250-Staples,
et al, with SCS

24. SB 445-Singleton,

with SCS

25. SBs 22 & 106-

Singleton, with SCS

26. SBs 214, 124, 209 &

322-Gross, et al, with

SCS

27. SJR 9-Goode, et al

28. SB 438-Bentley and Stoll

29. SB 251-Kinder

30. SB 375-Steelman, with SCS

31. SB 392-Kenney and

DePasco

32. SB 372-Gibbons, with SCS INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 14-Mathewson

SBs 39 & 269-Klarich and

Goode, with SCS and SS

for SCS (pending)

SBs 89 & 37-Kinder, with

SCS

SB 123-Kinder, with SA 1

(pending)

CONSENT CALENDAR

Reported 2/5

SB 143-Childers

Reported 2/13

SB 227-Jacob

SB 186-Klarich, with SCS

SB 382-Yeckel and Stoll,
with SCS

Reported 2/19

SB 110-Gross

SB 344-Rohrbach and Jacob,
with SCS

SB 287-Klarich, with SCS

SB 111-Gross

SB 303-Johnson

SB 321-Westfall

SB 295-Stoll and Staples

SB 357-Schneider, with SCS

SB 348-Sims

SB 352-Johnson, with SCS

SB 365-Steelman

SB 394-Bentley

SB 293-Steelman, with

SCA 1

SB 315-Childers, with SCS

SB 366-House

SB 380-House

Reported 2/20

SB 288-Klarich, with SCA 1

SB 270-Schneider, with SCS

SB 370-Caskey and Goode

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with SCS

SCR 16-Yeckel

SCR 17-Steelman, et al

SCR 18-Goode

SCR 19-Sims

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY--MONDAY, FEBRUARY 26, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Therefore, my beloved, be steadfast, immovable, always excelling in the work of the Lord, because you know that in the Lord your Labor is not in vain." (I Corinthians 15:57-58)

Gracious Lord, we are thankful for bringing us safely to this new week of opportunities to serve You. We are grateful for the strength You give us to fulfill our daily tasks and for providing for our earthly needs. Help us to stay focused on You as we do our work and live through each day as Your own. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 22, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 239, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Waterhouse, Independence, which was adopted.

Senator Caskey offered Senate Resolution No. 240, regarding Coy Cates, Holden, which was adopted.

Senator Caskey offered Senate Resolution No. 241, regarding Christopher James "C. J." Hoover, Holden, which was adopted.

Senator Caskey offered Senate Resolution No. 242, regarding Zachary James Keeney "Zach" Bralicz, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 243, regarding Cody Allen Koehn, Holden, which was adopted.

Senator Yeckel offered Senate Resolution No. 244, regarding Cory Proffer, St. Louis, which was adopted.

Senator Foster offered Senate Resolution No. 245, regarding Petit J. "Peck" Croy, Patterson, which was adopted.

Senator Foster offered Senate Resolution No. 246, regarding Bob Worley, Piedmont, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 247

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone achievements in the professional careers of Show-Me State residents who have proven to be exceptional leaders in their chosen fields of endeavor; and

WHEREAS, Lorraine Whittington of Joplin, Missouri, will be installed as president of the Missouri Federation of Business and Professional Women's Clubs, Incorporated, (BPW/MO) at its state convention which will be held on April 28, 2001, at the Ramada Inn in historic St. Joseph; and

WHEREAS, thrice serving as president of the local Business and Professional Women's Club, Lorraine Whittington held almost all local offices and served as district director before her election to the state BPW board and a succession of offices during the last five years; and

WHEREAS, in addition to having planned successful state conferences, Lorraine Whittington has attended the last six national conventions and national board meetings; and

WHEREAS, Lorraine Whittington earned a Bachelor's degree in business administration from Missouri Southern State College and served as the business manager of Southwest Radiology, Ltd., for twenty-three years, during which time she supervised nine employees; and

WHEREAS, admirably fulfilling the diverse duties and responsibilities of her previous position as instructor in the Medical Office Assistant Program at Joplin's Vatterott College, Lorraine Whittington developed a stellar reputation for her leadership endeavors with the Radiology Business Management Association, American Association of Medical Assistants, J.W. Investment Club, and American Association of University Women; and

WHEREAS, Lorraine Whittington is especially pleased by the heartfelt support and encouragement she has received from her friends and colleagues for this latest in a long string of impressive accomplishments:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the selection of Lorraine Whittington as incoming president of the Missouri Federation of Business and Professional Women's Clubs and to convey to her our sincerest best wishes for continued personal and professional success for many years to come; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Lorraine Whittington of Joplin, Missouri.

Senators Goode and Schneider offered Senate Resolution No. 248, regarding Dorris S. Carter, Ferguson, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 550-By Sims.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to disability discrimination, with an emergency clause.

SB 551-By Sims.

An Act to repeal section 208.029, RSMo 2000, relating to the grandparents as foster parents program, and to enact in lieu thereof one new section relating to the same subject.

SB 552-By Sims.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to surgical comanagement arrangements.

SB 553-By Klindt.

An Act to authorize the conveyance of property interest owned by Northwest Missouri State University to the Missouri National Guard and City of Maryville.

SB 554-By House.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to disclosure of health information, with an effective date.

SB 555-By House.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to noncompetition clauses for broadcasting industry employees.

SB 556-By DePasco.

An Act to repeal section 313.840, RSMo 2000, relating to liquor licenses on boats and premises, and to enact in lieu thereof one new section relating to the same subject.

Senator Gross assumed the Chair.

THIRD READING OF SENATE BILLS

SB 227, introduced by Senator Jacob, entitled:

An Act to repeal section 461.051, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 227** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Caskey--1		
	Absent--Senators		
Quick	Schneider--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 186, with **SCS**, introduced by Senator Klarich, entitled:

An Act to amend chapter 367, RSMo, by adding thereto five new sections relating to deferred presentment services.

Was called from the Consent Calendar and taken up.

SCS for **SB 186**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 186

An Act to amend chapter 367, RSMo, by adding thereto five new sections relating to deferred presentment services.

Was taken up.

Senator Klarich moved that **SCS** for **SB 186** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **SB 186** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Schneider--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 382, with **SCS**, introduced by Senators Yeckel and Stoll, entitled:

An Act relating to compliance with Title V of the Federal Gramm-Leach-Bliley Act of 1999, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Yeckel.

SCS for **SB 382**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 382

An Act relating to compliance with Title V of the Federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 382** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 382** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Singleton-- 1			
Absent--Senator Quick-- 1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Singleton-- 1			

Absent--Senator Quick--1

Absent with leave--Senators--None

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 128, introduced by Senator Childers, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

Was taken up.

On motion of Senator Childers, **SB 128** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	Johnson	Kenney
Kinder	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Westfall	Yeckel--24

NAYS--Senators

Caskey	Dougherty	House	Jacob
Klarich	Schneider	Steelman	Stoll
Wiggins--9			

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 46** and **47**, introduced by Senator Bentley, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 46 and 47

An Act to repeal sections 167.181, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070, 332.072 and 332.311, RSMo 2000, relating to dental care, and to enact in lieu thereof fourteen new sections relating to the same subject, with a termination date and an emergency clause for certain sections.

Was taken up by Senator Bentley.

On motion of Senator Bentley, **SS** for **SCS** for **SBs 46** and **47** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Johnson	Schneider	Staples--3
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Absent with leave--Senators--None

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SCS for **SB 36**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 36An Act to repeal sections 302.130, 302.178, 302.302, 302.309, 302.505, 302.510, 302.520, 302.535, 302.540, 302.541, 479.500, 577.012, 577.021, 577.023, 577.037, 577.600 and 577.602, RSMo 2000, relating to traffic offenses, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up by Senator Westfall.

On motion of Senator Westfall, **SCS** for **SB 36** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators

Bland Schneider--2

Absent--Senators

Scott Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Stoll moved that **SCR 6** be taken up for 3rd reading and final passage, which motion prevailed.

Senators Stoll and Loudon offered **SS** for **SCR 6**, entitled:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 6

Establishes April 6th of each year as Tartan Day in Missouri.

WHEREAS, the Declaration of Arbroath, the Scottish Declaration of Independence, from which the American Declaration of Independence was modeled, was signed on April 6, 1320; and

WHEREAS, Scottish Americans played a major role in the founding of this Nation, almost half of the signers of our Declaration of Independence and the governors of nine of the original 13 states were of Scottish descent; and

WHEREAS, Scottish Americans helped shape this nation in its formative years, guided it through troubled times, and have made invaluable contributions to America in the fields of science, technology, medicine, government and many other areas; and

WHEREAS, the members of the Missouri General Assembly wish to salute to all Americans of Scottish descent as they celebrate their heritage:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby declare April 6th of each year as Tartan Day in Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for St. Andrews Society of St. Louis; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate shall submit this resolution to the Governor for his approval or rejection pursuant to the Constitution of Missouri.

Senator Gibbons assumed the Chair.

Senator Stoll moved that **SS** for **SCR 6** be adopted, which motion prevailed.

On motion of Senator Stoll, **SS** for **SCR 6** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 308**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 278**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 371**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 316**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 290**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be

placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 264**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 263**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 223**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 66**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 148**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 179**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 341**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 420**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 383**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 430**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 441**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 557-By Schneider.

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to the attorney general.

CONCURRENT RESOLUTIONS

Senator Kinder offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 20

WHEREAS, the trucking industry is a major part of the Missouri economy with considerable interest in highway safety in our state; and

WHEREAS, the trucking industry employs thousands of commercial truck drivers that necessitates criminal background checks to insure that its drivers are responsible citizens; and

WHEREAS, the Missouri Uniform Law Enforcement System provides access to only criminal background information on criminal records in Missouri; and

WHEREAS, the National Crime Information Center under the Federal Bureau of Investigation is only available to law enforcement agencies for law enforcement purposes:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby recognize the need for the trucking industry to have access to such information in the interest of insuring that its drivers are responsible citizens and thus promoting safety on our highways and urges the United States Department of Justice to provide access to such information to the trucking industry; and

BE IT FURTHER RESOLVED, that the Missouri General Assembly urges the United States Congress to enact legislation to cause information contained in the National Online Information Center to be accessible to the trucking industry; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare property inscribed copies to each member of Missouri's Congressional delegation and the United States Department of Justice.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 506--Agriculture, Conservation, Parks and Tourism.

SB 507--Agriculture, Conservation, Parks and Tourism.

SB 508--Ways and Means.

SB 509--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 510--Education.

SB 511--Pensions and General Laws.

SB 512--Education.

SB 513--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 514--Public Health and Welfare.

SB 515--Local Government and Economic Development.

SB 516--Judiciary.

SB 517--Ways and Means.

SB 518--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 519--Ways and Means.

SB 520--Transportation.

SB 521--Insurance and Housing.

SB 522--Agriculture, Conservation, Parks and Tourism.

SB 523--Ways and Means.

SB 524--Agriculture, Conservation, Parks and Tourism.

SB 525--Transportation.

SB 526--Labor and Industrial Relations.

SB 527--Ways and Means.

SB 528--Aging, Families and Mental Health.

SB 529--Commerce and Environment.

SB 530--Insurance and Housing.

SB 531--Commerce and Environment.

SB 532--Agriculture, Conservation, Parks and Tourism.

SB 533--Insurance and Housing.

SB 534--Local Government and Economic Development.

SB 535--Insurance and Housing.

SB 536--Judiciary.

SB 537--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 538--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 539--Aging, Families and Mental Health.

SB 540--Transportation.

SB 541--Pensions and General Laws.

SB 542--Transportation.

SB 543--Education.

SB 544--Local Government and Economic Development.

SB 545--Local Government and Economic Development.

SB 547--Local Government and Economic Development.

SB 548--Commerce and Environment.

SB 549--Transportation.

SJR 17--Judiciary.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 5**:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, relating to school district bond elections and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 163**, entitled:

An Act to repeal section 43.265, RSMo 2000, relating to the highway patrol's motor vehicle and aircraft revolving fund, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 205, 323 and 549**, entitled:

An Act to repeal sections 252.043, 254.020, 254.040 and 270.170, RSMo 2000, relating to the conservation commission, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 219**, entitled:

An Act to repeal sections 272.010, 272.020, 272.040, 272.050, 272.060, 272.070, 272.100, 272.110, 272.130, 272.150, 272.160, 272.170, 272.180, 272.190, 272.200, 272.210, 272.220, 272.230, 272.235, 272.240, 272.250, 272.260, 272.270, 272.280, 272.290, 272.300, 272.310, 272.330, 272.340, 272.350, 272.360 and 272.370, RSMo 2000, relating to property rights, and to enact in lieu thereof twelve new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 441, 94 and 244**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the awarding of honorary high school diplomas to certain veterans.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 575**, entitled:

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 621**, entitled:

An Act to amend chapter 217, RSMo, relating to the department of corrections by adding thereto one new section creating the Missouri state penitentiary redevelopment commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 16**.

HOUSE CONCURRENT RESOLUTION NO. 16

WHEREAS, on January 29, 2001, the United States District Court for the District of Columbia in the case of Sierra Club v. Browner ordered the United States Environmental Protection Agency to decide by March 12, 2001, whether the St. Louis area is in serious violation of standards for ozone air pollution; and

WHEREAS, since the court was barred from ordering the Environmental Protection Agency to find the St. Louis area in "serious" violation, the question of what the EPA will ultimately decide to do is still open; and

WHEREAS, a "serious" designation by the Environmental Protection Agency for the St. Louis area would be significant for the region because it could deter the development of new industries in the region by requiring more costly and restrictive air pollution controls on industry aimed at improving air quality as well as imposing penalties, such as the withholding of federal highway dollars and; and

WHEREAS, the state of Missouri and its citizens have worked hard to improve the St. Louis area's air quality though such steps as the use of reformulated gasoline, the implementation of stricter industry controls on emissions, improvements in mass transit, a vehicle inspection program that started in April 2000 and the placement of nozzles on gas pumps to collect gas fumes; and

WHEREAS, last year, the Environmental Protection Agency agreed to give the St. Louis area until November of 2003 to meet the ozone standards and any reduction in that time frame would be unfair to the citizens of St. Louis and the state who have worked so diligently to improve the air quality:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Environmental Protection Agency to provide the St. Louis area with the time promised last year to meet the ozone standards before making its determination as to whether the area is in serious violation of standards for ozone air pollution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for President George Bush, EPA Administrator Christine Todd Whitman, Governor Bob Holden and each member of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 249, regarding Brian and Melissa Kirmse, Ashland, which was adopted.

Senator Sims offered Senate Resolution No. 250, regarding Dennis and Ann Toellner, Columbia, which was adopted.

Senator Sims offered Senate Resolution No. 251, regarding Timothy and Jane Blackwell, Holts Summit, which was adopted.

Senator Sims offered Senate Resolution No. 252, regarding Robert and Kathy Maxey, Columbia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Joe, Judy, Kourtney and Kayley Gabriel, Sedalia; and Kourtney and

Kayley were made honorary pages.

Senator Kenney introduced to the Senate, his daughter, Elizabeth, Lee's Summit; and Elizabeth was made an honorary page.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SECOND DAY-TUESDAY, FEBRUARY 27, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 546-Kenney, et al

SB 550-Sims

SB 551-Sims

SB 552-Sims

SB 553-Klindt

SB 554-House

SB 555-House

SB 556-DePasco

SB 557-Schneider

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and

Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

THIRD READING OF SENATE BILLS

SB 32-Kinder

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 97-Bentley, with

SCA 1

2. SB 184-Johnson, et al

3. SBs 323 & 230-Childers,

et al, with SCS

4. SB 226-Goode, et al, with SCS

5. SB 220-Kinder and
Gross
6. SBs 67 & 40-Gross,
with SCS
7. SB 65-Gibbons, with
SCS
8. SB 317-Stoll, with SCS
9. SB 50-Childers
10. SBs 253 & 260-Gross,
with SCS
11. SBs 391 & 395-
Rohrbach, with SCS
12. SB 222-Caskey
13. SB 244-Staples
14. SBs 52 & 91-Childers,
with SCS
15. SB 267-Klarich and
Schneider, with SCS
16. SB 381-Klarich
17. SB 114-Loudon, with
SCS
18. SB 339-Stoll and
Childers, with SCA 1
19. SB 48-Sims, with SCS
20. SB 400-Kenney, et al
21. SB 374-Steelman, with
SCS

22. SB 239-Stoll, with SCS
23. SBs 238 & 250-Staples,
et al, with SCS
24. SB 445-Singleton,
with SCS
25. SBs 22 & 106-
Singleton, with SCS
26. SBs 214, 124, 209 &
322-Gross, et al,
with SCS
27. SJR 9-Goode, et al
28. SB 438-Bentley and
Stoll
29. SB 251-Kinder
30. SB 375-Steelman, with
SCS
31. SB 392-Kenney and
DePasco
32. SB 372-Gibbons, with
SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 14-Mathewson

SBs 39 & 269-Klarich and

Goode, with SCS and SS

for SCS (pending)

SBs 89 & 37-Kinder, with SCS

SB 123-Kinder, with SA 1

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 110-Gross

SB 344-Rohrbach and Jacob,
with SCS

SB 287-Klarich, with SCS

SB 111-Gross

SB 303-Johnson

SB 321-Westfall

SB 295-Stoll and Staples

SB 357-Schneider, with SCS

SB 348-Sims

SB 352-Johnson, with SCS

SB 365-Steelman

SB 394-Bentley

SB 293-Steelman, with SCA 1

SB 315-Childers, with SCS

SB 366-House

SB 380-House

Reported 2/20

SB 288-Klarich, with SCA 1

SB 270-Schneider, with SCS

SB 370-Caskey and Goode

Reported 2/26

SB 308-Jacob, with SCS

SB 278-Westfall, with SCS

SB 371-Scott

SB 316-Stoll

SB 290-Wiggins and

DePasco, with SCS

SB 264-Steelman, with SCS

SB 263-Stoll

SB 223-Caskey

SB 66-Gibbons, with SCS#2

SB 148-Goode

SB 179-Rohrbach

SB 341-Jacob, with SCS

SB 420-Klarich

SB 4-Wiggins, et al, with SCS

SB 383-Johnson, with SCS

SB 430-Dougherty

SB 441-Caskey

RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 20-Kinder

HCR 16-Green and Holt

Reported from Committee

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with SCS

SCR 16-Yeckel

SCR 17-Steelmann, et al

SCR 18-Goode

SCR 19-Sims

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SECOND DAY--TUESDAY, FEBRUARY 27, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I will bind up the injured, and I will strengthen the weak, says the Lord." (Ezekiel 34:16)

Merciful God, as we gather this day we are mindful of those who are weak and in need of our help. Let us be mindful that You call us to be compassionate and caring in the legislative work we are called to do. May we provide resources and aid to strengthen and assist those who need help to once more be able to help themselves. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Bland--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 253, regarding the Saint Louis Symphony Orchestra, St. Louis, which

was adopted.

Senators House and Gross offered Senate Resolution No. 254, regarding Linda and Keri Stutsman, St. Charles, which was adopted.

Senators House and Gross offered Senate Resolution No. 255, regarding Pundmann Ford, St. Charles, which was adopted.

Senators House and Gross offered Senate Resolution No. 256, regarding the Alliance for the Mentally Ill-NAMI, St. Louis, which was adopted.

Senators House and Gross offered Senate Resolution No. 257, regarding Janet "Jan" Lewien, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 258, regarding Sister Mary Ann Falbe, O.S.F., St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 259, regarding Dennis Emge, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 260, regarding Jack Banas, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 261, regarding Roy C. Wilson, M.D., St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 262, regarding Audrey Yarbrough, St. Charles County, which was adopted.

Senators House and Gross offered Senate Resolution No. 263, regarding Bruce Sowatsky, LCSW, St. Charles County, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 558-By Singleton.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to physicians.

SB 559-By Singleton.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to the return of pharmaceuticals, with an expiration date.

SB 560-By Caskey.

An Act to repeal section 571.030, RSMo 2000, relating to concealable weapons, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 561-By Quick.

An Act to amend chapter 50, RSMo, by adding thereto one new section relating to salaries of county commissioners.

SB 562-By Gibbons.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for motor vehicle owners.

SB 563-By Gibbons.

An Act to repeal sections 136.035 and 144.190, RSMo 2000, relating to the notarization of sales tax refund documents, and to enact in lieu thereof two new sections relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Sims moved that **SCR 19** be taken up for adoption, which motion prevailed.

On motion of Senator Sims, **SCR 19** was adopted by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Jacob Schneider--2

Absent with leave--Senator Bland--1

REFERRALS

President Pro Tem Kinder referred **SCR 20** and **HCR 16** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 97**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach assumed the Chair.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 97, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.400. 1. A charter school is an independent, publicly supported school.

2. Charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; or

(3) A community college located in the district.

3. A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes. **An urban school district which leases vacant building space to charter schools shall lease all such vacant building space to charter schools on substantially equivalent terms and for substantially equivalent compensation. An urban school district shall negotiate, in good faith, a fair market price for any property that is vacant and make it available for lease to any charter school located within said district.**

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free or reduced-price lunch or other categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside and to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. (1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school plus all other state aid attributable to such pupils, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(4) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following receipt of any such funds.

(5) **For a charter school located in a building owned by a school district**, the per-pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.

3. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to subsection 2 of this section, the amount of overpayment or underpayment shall be adjusted in its next payment by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo.

4. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter."; and

Further amend said bill, Page 2, Section 160.560, Line 45, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to resolve the shortage of school employees in this state, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator House offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 97, Page 2, Section 160.400, Line 6 of said page, by inserting at the end of said line the following: "**Nothing in this subsection shall be construed to affect any contract in force and effect on or prior to January 1, 2001.**".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Kenney moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 97, Page 1, Section A, Line 2 of said page, by inserting after all of said line the following:

"160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. **The proposed charter shall specify a proposed starting date which shall be no earlier than eleven months following the date the proposed charter is submitted.** If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located **and the state board of education, [when] within five business days of the date** the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

(1) The educational goals and objectives to be achieved by the charter school;

(2) A description of the charter school's educational program and curriculum;

(3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;

(4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; and

(5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school.

2. Proposed charters shall be subject to the following requirements:

(1) **A charter application shall be provided to a proposed sponsor no later than eleven months prior to the proposed starting date for the charter school to begin operation. Within five business days of receipt of the application, the proposed sponsor shall forward a copy of the charter application to the state board of education and to the school board of the district if the proposed sponsor is not a school board;**

(2) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision **of approval or denial** shall be made within [sixty] **ninety** days of the filing of the proposed charter;

~~[(2)]~~ (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial **and forward a copy to the state board of education within five business days following the denial;**

~~[(3)]~~ (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. **The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter and shall notify the applicant in writing as to the reasons for its denial, if applicable; [and]**

~~[(4)]~~ (5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, **is eligible for free or reduced price school lunch**, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, it shall be submitted to the state board of education which may, within [forty-five] **sixty** days, disapprove the granting of the charter. The state board of education may disapprove a charter only on grounds that the application fails to meet the requirements of sections 160.400 to 160.420.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

(1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;

(2) Comply with laws and regulations of the state relating to health, safety, and minimum educational standards;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided pursuant to chapter 165, RSMo, provided that the annual financial report may be published via the Internet on the secretary of state's website in lieu of other publishing requirements**, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, [participate in] **employ** the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members**, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program. Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide, in a timely fashion, all information necessary to confirm on-going compliance with all provisions of the charter and sections 160.400 to 160.420.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-five days following receipt of written notice requesting such information** or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be revoked. **The sponsor may require the remedial plan to provide for a change in methodology or leadership, or both.**

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's board of directors may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to

this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

8. A sponsor shall take all reasonable steps necessary to confirm each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] 10. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The board of directors of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided pursuant to sections 557.700 to 557.755, RSMo."; and

Further amend said bill, Page 2, Section 160.560, Line 45 by inserting after said line the following:

"Section 1. No sponsor shall grant a charter pursuant to sections 160.400 to 160.420 without ensuring that a criminal background check and child abuse registry check are conducted for all members of the board of directors of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the board of directors of the charter school.";

And further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Carter offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 97, Page 2, Section 160.560, Line 45, by inserting one new section after said section to read as follows:

"Section 1. The score on any assessment test developed pursuant to section 160.518, RSMo, chapter 160, RSMo, of any student for whom English is a second language shall not be counted until such time as such student has been educated for three full school years in a school in this state, or in any other state, in which English is the primary language."; and

Further amend the title and enacting clause accordingly.

Senator Carter moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bentley, **SB 97**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 288**, entitled:

An Act to amend chapter 327, RSMo, relating to architects and engineers by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 266**, entitled:

An Act to amend chapter 339, RSMo, relating to real estate agents and brokers by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 236**, entitled:

An Act to amend chapter 210, RSMo, relating to the state juvenile information system, by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 180**, entitled:

An Act to repeal section 217.015, RSMo 2000, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 264, regarding the death of former Representative Lynn M. Ewing, Jr., Nevada, which was adopted.

Senator Westfall offered Senate Resolution No. 265, regarding Janice K. Hogan, Humansville, which was adopted.

Senator Mathewson offered Senate Resolution No. 266, regarding the Santa Fe Elementary School, Waverly, which was adopted.

THIRD READING OF SENATE BILLS

SB 344, with **SCS**, introduced by Senators Rohrbach and Jacob, entitled:

An Act to repeal section 375.1220, RSMo 2000, relating to insurer liquidation law, and to enact in lieu thereof one new section relating to the same subject, with a termination date and an emergency clause.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **SB 344**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 344

An Act to repeal section 375.1220, RSMo 2000, relating to insurer liquidation law, and to enact in lieu thereof one new section relating to the same subject, with a termination date and an emergency clause.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 344** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 344** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Dougherty	Quick	Schneider--3
	Absent with leave--Senator Bland--1	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Cauthorn
---------	--------	--------	----------

Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Dougherty Schneider--2

Absent with leave--Senator Bland--1

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Gross assumed the Chair.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 287, with **SCS**, introduced by Senator Klarich, entitled:

An Act to repeal section 32.056, RSMo 2000, and to enact in lieu thereof one new section relating to certain peace officers.

Was called from the Consent Calendar and taken up.

SCS for **SB 287**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 287

An Act to repeal section 32.056, RSMo 2000, and to enact in lieu thereof one new section relating to certain peace officers.

Was taken up.

Senator Klarich moved that **SCS** for **SB 287** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **SB 287** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Dougherty

Schneider--2

Absent with leave--Senator Bland--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Klarich assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 184** be taken up for perfection, which motion prevailed.

Senator Sims offered **SS** for **SB 184**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 184

An Act to repeal sections 205.968, 205.969, 205.970, 205.971, 205.972 and 205.973, RSMo 2000, relating to sheltered workshops, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Senator Sims moved that **SS** for **SB 184** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 184, Page 5, Section 205.970, Line 19, by adding after the word "**terms.**" the following:

"Subsequent to the effective date of this section, in addition to the above requirements, at least three of the board members shall be associated with a sheltered workshop."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 184, Page 8, Section 205.971, Line 1 of said section, by inserting immediately after the numeral "205.971." the following: "**1.**"; and

Further amend said bill, Page 9, Section 205.971, Line 25, by inserting after all of said line the following:

"2. Subject to the provisions in this subsection, all funds must be spent in the manner in which the ballot language imposing the tax specifies. If the board wishes to alter the expenditure of funds from that which is authorized by the ballot language, then such question shall be submitted to the voters without a change in the existing tax."

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 184**, with **SS**, as amended, and **SA 2** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 564-By Rohrbach, Russell and Childers.

An Act to repeal section 316.210, RSMo 2000, relating to amusement rides, and to enact in lieu thereof one new section relating to the same subject.

SB 565-By Staples.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to interstate public rest areas.

SB 566-By Gibbons and Goode.

An Act to repeal section 144.062, RSMo 2000, relating to certain exempt sales at retail of tangible personal property and materials to be used for the purpose of constructing, repairing or remodeling facilities for certain entities, and to enact in lieu thereof one new section relating to the same subject.

SB 567-By Gross.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to taxation.

SB 568-By Mathewson.

An Act to authorize the exchange of property interest owned by the department of natural resources and the City of Lexington.

SB 569-By Singleton.

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665 and 334.670, RSMo 2000, relating to physical therapists and physical therapist assistants, and to enact in lieu thereof eight new sections relating to the same subject.

SB 570-By Singleton.

An Act to repeal sections 190.142, 190.160, 190.165 and 190.171, RSMo 2000, relating to emergency medical technicians, and to enact in lieu thereof five new sections relating to the same subject.

SB 571-By Dougherty.

An Act to repeal sections 451.151, 488.445 and 488.607, RSMo 2000, relating to funding for shelters for domestic violence, and to enact in lieu thereof four new sections relating to the same subject.

SB 572-By Dougherty.

An Act to repeal sections 701.322, 701.326 and 701.328, RSMo 2000, relating to lead poisoning, and to enact in lieu thereof ten new sections relating to the same subject.

SB 573-By Dougherty.

An Act to repeal section 84.160, RSMo 2000, relating to compensation and employment benefits of police officers in certain cities, and to enact in lieu thereof one new section relating to the same subject.

SB 574-By Dougherty.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the business dropout abatement program.

SB 575-By Caskey.

An Act to repeal section 160.522, RSMo 2000, and to enact in lieu thereof one new section relating to building-level school accountability report cards.

SB 576-By Kinder and Steelman.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for donations to scholarship charities.

SB 577-By Stoll.

An Act to repeal section 149.015, RSMo 2000, relating to cigarette tax, and to enact in lieu thereof one new section relating to the same subject.

SB 578-By Goode and Russell.

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program, with an expiration date.

SB 579-By Loudon.

An Act to repeal section 287.210, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

SB 580-By Loudon.

An Act to repeal sections 287.020, 287.067, 287.120, 287.655 and 287.800, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof five new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 151**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 135**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 422**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 149**, begs leave to report

that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 76**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 234**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 416**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 581-By Yeckel.

An Act to repeal section 188.037, RSMo 2000, relating to the transfer of human fetal parts, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 582-By Yeckel.

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to payment of real property taxes.

SB 583-By Yeckel.

An Act to repeal sections 105.473, 105.475, 105.477, 105.961, 130.011, 130.016, 130.021, 130.031, 130.041, 130.046, 130.049, 130.050, 130.056 and 130.081, RSMo 2000, relating to ethics, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 267, regarding Bob Raines, Morgan County, which was adopted.

Senators Rohrbach and Sims offered Senate Resolution No. 268, regarding Maryanne H. Danforth, Jefferson City, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 26, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator John Cauthorn to the position of the Joint Committee on Wetlands formerly occupied by Senator Anita Yeckel.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 26, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Bill Foster to the position on the Joint Committee on Wetlands formerly occupied by Jerry T. Howard. Senator Foster will serve as chairman of this committee.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 26, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Larry Rohrbach as chairman of the Joint Committee on Corrections.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

February 26, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator David Klindt to the Joint Committee on Corrections replacing Walt Mueller.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Marsha Brown, Amy Callahan and Jami Little, Cape Girardeau.

Senator Childers introduced to the Senate, Gaila Limeberry, Crane.

Senator Rohrbach introduced to the Senate, Pat A. Forbis, Jefferson City.

Senator Russell introduced to the Senate, the Physician of the Day, Dr. David Barbe, M.D., Mountain Grove.

Senator Sims introduced to the Senate, Robert and Kathy Maxey, and their daughter, Leah and Dennis and Ann Toellner, and their son, Samuel, Columbia; Brian and Melissa Kirmes, and their son, Alexander, Ashland; and Tim and Jane Blackwell, and their daughter, Briana, Holts Summit.

Senator Yeckel introduced to the Senate, David and Patricia Breed, and their sons, David, Daniel and Jonathan, St. Louis County; and David, Daniel and Jonathan were made honorary pages.

Senator Klindt introduced to the Senate, Barb Burton, Eva Danner, Wayne Harlan, Ken Lauhoff, Dale Whiteside, Jerry Wilford, Bill Young and Maurice Zion, Chillicothe Chamber of Commerce.

On behalf of Senator Sims and himself, Senator Dougherty introduced to the Senate, students and staff from Fontbonne College, St. Louis.

Senator Steelman introduced to the Senate, twenty students from Cornerstone Kindergarten, Rolla.

On behalf of Senator Rohrbach, the President introduced to the Senate, Judy Opperman, Tipton.

Senator Kenney introduced to the Senate, his daughter, Elizabeth, Lee's Summit.

Senator Kinder introduced to the Senate, the Southeast Missouri State University chapter of Collegiate Farm Bureau, Cape Girardeau.

Senator Cauthorn introduced to the Senate, Kristen Curtis, Courtney Gash, Colleen Griswold, Bill McLain, Zach Crews, Rachel Hardecke, Jennifer Bloss, Heather Hogg, Justin Roberts, Kindsey Shad and Dana Henke, Columbia.

Senator Westfall introduced to the Senate, Garrett Hawkins, David Helton, Patrick Eslinger, Ryan Persinger, Dr. Bruce Johnson and Dr. Anson Elliott, Springfield.

Senator Kinder introduced to the Senate, representatives of the Missouri Beer Wholesalers Association from around the state.

Senator Kenney introduced to the Senate, Laurel and Andrew Morton, Gail Richards and Gabriel Farrar, Homeschoolers from Lee's Summit; and Andrew and Gabriel were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-THIRD DAY-WEDNESDAY, FEBRUARY 28, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 546-Kenney, et al

SB 550-Sims

SB 551-Sims

SB 552-Sims

SB 553-Klindt

SB 554-House

SB 555-House

SB 556-DePasco

SB 557-Schneider

SB 558-Singleton

SB 559-Singleton

SB 560-Caskey

SB 561-Quick

SB 562-Gibbons

SB 563-Gibbons

SB 564-Rohrbach, et al

SB 565-Staples

SB 566-Gibbons and Goode

SB 567-Gross

SB 568-Mathewson

SB 569-Singleton

SB 570-Singleton

SB 571-Dougherty

SB 572-Dougherty

SB 573-Dougherty

SB 574-Dougherty

SB 575-Caskey

SB 576-Kinder and

Steelman

SB 577-Stoll

SB 578-Goode and Russell

SB 579-Loudon

SB 580-Loudon

SB 581-Yeckel

SB 582-Yeckel

SB 583-Yeckel

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and

Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al THIRD READING OF SENATE BILLS

SB 32-Kinder

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SBs 323 & 230-

Childers, et al,

with SCS

2. SB 226-Goode, et al,
with SCS
3. SB 220-Kinder and Gross
4. SBs 67 & 40-Gross,
with SCS
5. SB 65-Gibbons, with SCS
6. SB 317-Stoll, with SCS
7. SB 50-Childers
8. SBs 253 & 260-Gross,
with SCS
9. SBs 391 & 395-
Rohrbach, with SCS
10. SB 222-Caskey
11. SB 244-Staples
12. SBs 52 & 91-Childers,
with SCS
13. SB 267-Klarich and
Schneider, with SCS
14. SB 381-Klarich
15. SB 114-Loudon, with SCS
16. SB 339-Stoll and
Childers, with SCA 1
17. SB 48-Sims, with SCS
18. SB 400-Kenney, et al
19. SB 374-Steelman, with
SCS
20. SB 239-Stoll, with SCS
21. SBs 238 & 250-Staples,

et al, with SCS

22. SB 445-Singleton,
with SCS

23. SBs 22 & 106-
Singleton, with SCS

24. SBs 214, 124, 209 &
322-Gross, et al,
with SCS

25. SJR 9-Goode, et al

26. SB 438-Bentley and
Stoll

27. SB 251-Kinder

28. SB 375-Steelman, with
SCS

29. SB 392-Kenney and
DePasco

30. SB 372-Gibbons, with
SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 14-Mathewson

SBs 39 & 269-Klarich and
Goode, with SCS and SS
for SCS (pending)

SBs 89 & 37-Kinder, with SCS

SB 123-Kinder, with SA 1

(pending)

SB 184-Johnson, et al,

with SS & SA 2

(pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 110-Gross

SB 111-Gross

SB 303-Johnson

SB 321-Westfall

SB 295-Stoll and Staples

SB 357-Schneider, with SCS

SB 348-Sims

SB 352-Johnson, with SCS

SB 365-Steelman

SB 394-Bentley

SB 293-Steelman, with SCA 1

SB 315-Childers, with SCS

SB 366-House

SB 380-House

Reported 2/20

SB 288-Klarich, with SCA 1

SB 270-Schneider, with SCS

SB 370-Caskey and Goode

Reported 2/26

SB 308-Jacob, with SCS

SB 278-Westfall, with SCS

SB 371-Scott

SB 316-Stoll

SB 290-Wiggins and

DePasco, with SCS

SB 264-Steelman, with SCS

SB 263-Stoll

SB 223-Caskey

SB 66-Gibbons, with SCS#2

SB 148-Goode

SB 179-Rohrbach

SB 341-Jacob, with SCS

SB 420-Klarich

SB 4-Wiggins, et al, with SCS

SB 383-Johnson, with SCS

SB 430-Dougherty

SB 441-Caskey

Reported 2/27

SB 151-Childers, with SCS

SB 135-Wiggins

SB 422-Steelman

SB 149-Goode, with SCS

SB 76-Wiggins

SB 234-Wiggins, with SCS

SB 416-Stoll

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with SCS

SCR 16-Yeckel

SCR 17-Steelman, et al

SCR 18-Goode

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-THIRD DAY--WEDNESDAY, FEBRUARY 28, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The best prayers are often more groans than words." (John Bunyan)

God of Wondrous Compassion, today many observe Ash Wednesday and are called to look at their lives in critical and humbling ways. May that be true with us as we pray to You this day aware of our shortcomings and need of Your mercy. Keep us close to Your heart that even our groans are heard and provide us with hope and guidance as we walk through this dark day of ashes towards Your promise to be with You always. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	Absent with leave--Senator		Dougherty--1
	The Lieutenant Governor was present.		

RESOLUTIONS

Senator Foster offered Senate Resolution No. 269, regarding Robert E. Stagner, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 270, regarding Theresa "Teri" Hubacheck, Malden, which was adopted.

Senator Foster offered Senate Resolution No. 271, regarding Nancy Wilkerson, Malden, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 584-By Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation, with an effective date and a referendum clause.

SB 585-By Carter.

An Act to repeal section 595.045, RSMo 2000, relating to the crime victims' compensation fund, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 586-By Klindt.

An Act to repeal sections 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364 and 128.366, RSMo 2000, relating to election districts, and to enact in lieu thereof nine new sections relating to the same subject.

SB 587-By Foster.

An Act to repeal sections 278.220, 278.240, 278.245, 278.250, 278.280, 278.290 and 278.300, RSMo 2000, relating to soil and water conservation districts, and to enact in lieu thereof seven new sections relating to the same subject.

SB 588-By Dougherty and Stoll.

An Act to repeal section 376.1250, RSMo 2000, and to enact in lieu thereof one new section relating to insurance coverage for cancer screenings.

SB 589-By Russell.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to enterprise zones.

SB 590-By Russell.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to licensing of certain construction personnel.

SB 591-By Kenney.

An Act to repeal sections 204.300 and 204.370, RSMo 2000, relating to common sewer districts, and to enact in lieu thereof two new sections relating to the same subject.

SB 592-By Caskey.

An Act to repeal section 56.814, RSMo 2000, relating to district attorneys, and to enact in lieu thereof seven new sections relating to the same subject.

THIRD READING OF SENATE BILLS

SB 110, introduced by Senator Gross, entitled:

An Act to repeal sections 421.005, 421.007, 421.011, 421.022, 421.028, 421.031 and 421.034, RSMo 2000, relating to mattresses, and to enact in lieu thereof seven new sections relating to the same subject, with a penalty provision.

Was called from the Consent Calendar and taken up.

On motion of Senator Gross, **SB 110** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Cauthorn	Childers
DePasco	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None	
Absent--Senators	
Bentley	Staples--2
Absent with leave--Senators	
Bland	Dougherty
Jacob--3	

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 111, introduced by Senator Gross, entitled:

An Act to repeal section 301.142, RSMo 2000, relating to license plates for the physically disabled, and to enact in lieu thereof one new section relating to the same subject, with a penalty provision.

Was called from the Consent Calendar and taken up.

Senator Klarich assumed the Chair.

On motion of Senator Gross, **SB 111** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None	
Absent--Senators	
Singleton	Staples--2

	Absent with leave--Senators	
Bland	Dougherty	Jacob--3

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 303, introduced by Senator Johnson, entitled:

An Act to amend chapter 177, RSMo, by adding thereto one new section relating to school lease purchases.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 303** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators--None	
	Absent--Senators	
Singleton	Staples--2	
	Absent with leave--Senators	
Bland	Dougherty	Jacob--3

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 123**, with **SA 1** (pending), be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Schneider requested a roll call vote be taken. He was joined in his request by Senators Carter, Mathewson, Scott and Stoll.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Carter	DePasco	Goode
Jacob	Schneider	Scott	Wiggins--8
NAYS--Senators			
Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Yeckel--23	
Absent--Senator Staples--1			
Absent with leave--Senators			
Bland	Dougherty--2		

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 30, by striking line 30 and substitute: "defective design, manufacture, marketing or sale of firearms or ammunition, or any other action cognizable at law or equity.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Carter, Goode, Scott and Wiggins.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Carter	DePasco	Goode	Jacob
Schneider	Scott	Wiggins--7	
NAYS--Senators			
Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Yeckel--23	
Absent--Senators			
Bentley	Staples--2		
Absent with leave--Senators			
Bland	Dougherty--2		

Senator Schneider offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 26, by adding after the word "public" the following:

"without substantial evidence of liability and damages directly caused by the tortfeasor".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined

in his request by Senators Carter, Jacob, Westfall and Wiggins.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Carter	DePasco	Goode	Jacob
Schneider	Scott	Wiggins--7	
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Yeckel--25			
Absent--Senators--None			
Absent with leave--Senators			
Bland		Dougherty--2	

Senator Gibbons assumed the Chair.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by adding the following:

"Nothing in this act shall be interpreted to limit in any way a cause of action based upon an allegation that a manufacturer, trade association or dealer acted recklessly to cause the injury or death of another person or so acted in circumstances to cause injury or death by failing to be aware of a substantial and unjustifiable risk that injury or death will follow and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation and such elements are proven by the preponderance of the evidence".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Jacob, Singleton, Westfall and Wiggins.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Carter	DePasco	Goode	Jacob
Schneider	Scott	Wiggins--7	
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Yeckel--23	
Absent--Senators			
Johnson	Rohrbach--2		
Absent with leave--Senators			
Bland	Dougherty--2		

Senator Schneider offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by adding:

"7. Nothing in this section shall prevent any person from filing an action to recover from any person where there is substantial evidence that said person engaged in an unreasonably dangerous activity or so acted or failed to act so as to constitute a nuisance otherwise actionable at law.".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Carter, Goode, Mathewson and Quick.

SA 5 failed of adoption by the following vote:

	YEAS--Senators		
Carter	Goode	Jacob	Schneider
Scott	Wiggins--6		
	NAYS--Senators		
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Yeckel--24
	Absent--Senators		
DePasco	Rohrbach--2		
	Absent with leave--Senators		
Bland	Dougherty--2		

Senator Jacob offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by inserting after all of said line the following:

"7. The provisions of subsections 4, 5 and 6 of this section shall not apply unless the product has a grip safety or chamber loaded indicator."

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 123**, with **SA 6** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 133**, entitled:

An Act to repeal sections 441.500, 441.510, 441.520, 441.550 and 441.590, RSMo 2000, relating to actions by community groups and housing corporations to abate derelict properties, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 48**, entitled:

An Act to repeal sections 333.041, 333.042, 333.061 and 333.081, RSMo 2000, relating to embalmers and funeral directors, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 78**, entitled:

An Act to repeal section 334.128, RSMo 2000, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 262**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section, relating to certain public school records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 454**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 97**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Kenney, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 272, regarding the death of Esther Louise O'Donnell, Kansas City, which was adopted.

Senator Scott offered Senate Resolution No. 273, regarding Rhonda Thomas, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 274, regarding Thomas Charles Warden, Owensville, which was adopted.

Senator Scott offered Senate Resolution No. 275, regarding Sergeant Riley L. Hughes, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 593-By Klindt.

An Act to amend chapter 172, RSMo, by adding thereto six new sections relating to the interstate agri-market development center.

SB 594-By Klindt.

An Act to repeal sections 33.220 and 33.240, RSMo 2000, relating to state financial administration, and to enact in lieu thereof three new sections relating to the same subject.

SB 595-By Westfall.

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to teacher and school employee retirement systems, with an emergency clause.

SB 596-By Loudon.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to the establishment of the open contracting act.

SB 597-By Singleton.

An Act to repeal section 135.095, RSMo 2000, relating to prescription drug tax credits, and to enact in lieu thereof one new section relating to the same subject.

SB 598-By Singleton.

An Act to amend chapters 167 and 407, RSMo, by adding thereto two new sections relating to prohibiting possession of tobacco products by minors, with penalty provisions.

SB 599-By Singleton.

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo 2000, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

SB 600-By Singleton.

An Act to repeal section 135.095, RSMo 2000, relating to prescription drug tax credits, and to enact in lieu thereof one new section relating to the same subject.

SJR 18-By Singleton.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III and section 17 of article IV of the Constitution of Missouri relating to elected officials, and adopting two new sections in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 321, introduced by Senator Westfall, entitled:

An Act to repeal section 178.930, RSMo 2000, relating to sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 321** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Gibbons	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Foster	Goode	Quick	Stoll--4
Absent with leave--Senators			
Carter	Dougherty--2		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 295, introduced by Senators Stoll and Staples, entitled:

An Act to repeal section 163.191, RSMo 2000, relating to allowable costs for state aid to community colleges, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **SB 295** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers

DePasco	Foster	Gibbons	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Goode	Quick	Singleton--4
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Absent with leave--Senators

Carter	Dougherty--2
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The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 357, with **SCS**, introduced by Senator Schneider, entitled:

An Act to repeal section 337.029 as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479, 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 & 1428, eighty-ninth general assembly, second regular session, section 337.029 as enacted by house committee substitute for senate committee substitute for senate bill no. 732 of the eighty-ninth general assembly, second regular session, and section 337.510, RSMo 2000, relating to professional services, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 357**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 357

An Act to repeal section 337.029 as enacted by conference committee substitute for senate committee substitute for house substitute for house committee substitute for house bills nos. 1601, 1591, 1592, 1479, 1615 and house committee substitute for house bills nos. 1094, 1213, 1311 & 1428, eighty-ninth general assembly, second regular session, section 337.029 as enacted by house committee substitute for senate committee substitute for senate bill no. 732 of the eighty-ninth general assembly, second regular session, and section 337.510, RSMo 2000, relating to professional services, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Schneider moved that **SCS** for **SB 357** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 357** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Jacob	Johnson

Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senators

Carter	Dougherty--2
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Goode	Kinder	Stoll--3
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Absent with leave--Senators

Carter	Dougherty--2
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On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 123**, with **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 6 was again taken up.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Quick, Schneider and Wiggins.

SA 6 failed of adoption by the following vote:

	YEAS--Senators		
Bland	DePasco	Jacob	Quick
Schneider	Scott	Wiggins--7	

	NAYS--Senators		
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Yeckel--24
	Absent--Senator Goode--1		
	Absent with leave--Senators		
Carter	Dougherty--2		

Senator Jacob offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by adding after said line the following:

"7. Every child, as a precondition of entering the first grade, shall be required to attend a gun safety course. The parents or guardian shall be required to submit a certification of completion with the department of public safety. Such safety course shall be pre-approved by the director of the department of public safety."

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Quick, Rohrbach, Russell and Schneider.

SA 7 failed of adoption by the following vote:

	YEAS--Senators		
Bland	Jacob	Schneider--3	
	NAYS--Senators		
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	Absent--Senators		
DePasco	Goode	Scott--3	
	Absent with leave--Senators		
Carter	Dougherty--2		

Senator Schneider offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by adding:

"7. Nothing in this act shall be interpreted to limit a product liability action based upon proof of the manufacture or sale of a product in a defective condition so as to be unnecessarily dangerous and that the manufacturer or seller knew or should have known that the product was in an unreasonably dangerous condition."

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined

in his request by Senators Bland, Kenney, Sims and Stoll.

SA 8 failed of adoption by the following vote:

YEAS--Senators			
Bland	Jacob	Schneider	Scott
Wiggins--5			
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Yeckel--25			
Absent--Senators			
DePasco	Goode--2		
Absent with leave--Senators			
Carter	Dougherty--2		

Senator Westfall assumed the Chair.

Senator Schneider offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by adding:

"7. Nothing in this act shall limit a cause of action filed after the effective date of this act upon the manufacture or sale of a product that is in an unreasonably dangerous condition and fails to contain safety devices necessary to prevent the unauthorized use by children under the age of ten years.".

Senator Schneider moved that the above amendment be adopted, which motion failed.

Senator Schneider offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Bill No. 123, Page 2, Section 21.750, Lines 21 to 30, by striking said lines and substitute the following:

"5. In any action filed by the state or any political subdivision against a manufacturer or seller of firearms or ammunition, upon a finding by the court that the case be dismissed for failing to state a cause of action, or upon a finding by the court that the case be dismissed for failure to make a submissible case, or upon the finding by the court that the action is frivolous, the court shall award each defendant against the plaintiff damages and attorney's fees and costs sufficient to compensate the defendants for all losses related to the defense of such action, for any damage to the defendants loss of reputation and punitive damages to the extent that the court finds is necessary to discourage the same or similar law suit.".

Senator Schneider moved that the above amendment be adopted, which motion failed.

At the request of Senator Kinder, **SB 123** was placed on the Informal Calendar.

Senator Childers moved that **SB 323** and **SB 230**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 323 and 230, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 323 and 230

An Act to amend chapter 67, RSMo, by adding thereto seventeen new sections relating to local sales taxes for the promotion of economic development.

Was taken up.

Senator Childers moved that SCS for SBs 323 and 230 be adopted.

Senator Klarich offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 323 and 230, Page 1, In the Title, Line 2, by inserting immediately after the word "development" the following: ", with an emergency clause for certain sections"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said line the following:

"67.1815. As used in sections 67.1815 to 67.1827, the following words and terms mean:

- (1) "City", a city not within a county;**
- (2) "Commission", the regional taxicab commission created by section 67.1818;**
- (3) "County", a first class county with a charter form of government adjacent to a city not within a county;**
- (4) "District", the geographical area encompassed by the regional taxicab commission created by section 67.1818;**
- (5) "Chief executive", the mayor of a city not within a county, and the county executive of any county, which city and county are located within the geographical area encompassed by the regional taxicab commission created by section 67.1818.**

67.1818. There is hereby created a "Regional Taxicab Commission", which shall exercise authority over a regional taxicab district, comprising any city not within a county and a first class county with a charter form of government adjacent to any city not within a county. Such regional taxicab district is created for the purpose of improving the quality of taxicab service within its boundaries, and shall be a public corporation acting in a governmental capacity.

67.1821. 1. The regional taxicab commission shall be comprised of eleven members, five of whom shall be appointed by the chief executive of the city, and five of whom shall be appointed by the chief executive of the county, which city and county are encompassed within the geographical area of the district. Of the members first appointed, two from the city and two from the county shall be appointed to a four-year term, and two from the city and two from the county shall be appointed to a three-year term, and one from the city and one from the county shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the county and the chief executive officer of the city, in that order, shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy. All members shall serve without compensation. The respective governing bodies of the city and the county shall confirm the appointments to the regional taxicab commission.

2. All members of the regional taxicab commission shall reside within the district throughout their term of

service on the commission. The commission shall elect its own secretary and such other officers as it deems necessary, and may make such rules and regulations as are necessary and consistent with the commission's purpose.

3. The regional taxicab commission is empowered to:

- (1) Develop and implement plans, policies, and programs to improve the quality of taxicab service within the district;**
- (2) Cooperate and act jointly with other governmental entities, including the government of the United States, this state, other states, and political subdivisions of this and other states;**
- (3) Contract with any public or private agency, individual, partnership, association, corporation or other entity, consistent with law, for the provision of goods and services necessary to improve the quality of taxicab service within the district;**
- (4) Accept grants and donations from public or private entities for the purpose of improving the quality of taxicab service within the district;**
- (5) Make grants and donations to public or private entities for the purpose of improving the quality of taxicab services within the district;**
- (6) Appoint a director and necessary staff, fix their compensation, and remove such appointees;**
- (7) Execute contracts, sue, and be sued;**
- (8) License, regulate, inspect, enforce, and set rates of taxicab companies, individual taxicabs and taxicab operators, and to improve the quality of taxicab service within the district; and**
- (9) Adopt bylaws for the regulation of its affairs and the conduct of its business.**

67.1824. The legislative authority of any city or county encompassed within the geographical area of the regional taxicab district shall have the power to enact ordinances or orders imposing suitable penalties for the punishment of persons committing injury upon such district's property.

67.1827. 1. The regional taxicab commission shall, before the second Monday in April of each year, make an annual report to the chief executive officers and to the governing bodies of the city and county and to the general assembly, stating the conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

2. Before the close of the regional taxicab commission's first fiscal year, and at the close of each fiscal year thereafter, the chief executives of the city and the county shall appoint one or more certified public accountants, who shall annually examine the books, papers, documents, accounts and vouchers of the commission, and who shall make due report thereof to the chief executives of the city and the county and to the regional taxicab commission. The commission shall produce and submit for examination all books, papers, documents, accounts and vouchers, and shall in every way assist said certified public accountants in the performance of their duties pursuant to this section."; and

Further amend said bill, Page 13, Section 67.1977, Line 45, by inserting after all of said line the following:

"Section B. Because there is a serious and immediate need for improving the quality of taxicab service in the City of St. Louis and in St. Louis County, sections 67.1815, 67.1818, 67.1821, 67.1824 and 67.1827 of this act is necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution and sections 67.1815, 67.1818, 67.1821, 67.1824 and 67.1827 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Childers raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Klarich, **SA 1** was withdrawn, rendering the point of order moot.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 323 and 230, Page 1, In the Title, Line 2, by striking the word "local" and further amend line 3, by striking said line and inserting in lieu thereof the following: "the collection of sales tax revenue by certain political subdivisions."; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said line the following:

"67.1775. 1. The governing body of **a city not within a county, or** any county of the first classification with a charter form of government [and] **with** a population [of two hundred thousand but less than three hundred thousand] **not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand three hundred inhabitants** may, after voter approval pursuant to this section, levy a sales tax not to exceed one-quarter of a cent in the county for the purpose of providing **services described in section 210.861, RSMo, including** counseling, family support, and temporary residential services to persons [eighteen] **nineteen** years of age or less. The question shall be submitted to the qualified voters of the county at a county or state general, primary or special election upon the motion of the governing body of the county **or** upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall County be authorized to levy a sales tax of **(not to exceed one-quarter of a cent)** in the county for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth [eighteen] **nineteen** years of age or less and to strengthen families?

YES NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861, RSMo."; and

Further amend said bill, Page 13, Section 67.1997, Line 45, by inserting after all of said line the following:

"210.861. 1. When the tax prescribed by section 210.860 or **section 67.1775, RSMo**, is established, the governing body of the county shall appoint a board of directors consisting of nine members, who shall be residents of the county. All board members shall be appointed to serve for a term of three years, except that of the first board appointed, three members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Board members may be reappointed. In a city not within a county, or [in a county of the first classification with a charter form of government and a population of at least two hundred thousand that adjoins a county of the first classification with a charter form of government and a population of at least nine hundred thousand,] **any county of the first classification with a charter form of government with a population not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand three hundred inhabitants** the members of the community mental health board of trustees appointed pursuant to the provisions of sections 205.975 to 205.990, RSMo, shall be the board members for the community children's services fund. The directors shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety bond, in an amount to be determined and in a form to be approved by the board, for the faithful performance of his duties and faithful accounting of all moneys that may come into his hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board of directors. The board shall administer all funds generated pursuant to section 210.860 or **section 67.1775, RSMo**, in a manner consistent with this section.

3. The board may contract with public or not-for-profit agencies licensed or certified where appropriate to provide qualified services and may place conditions on the use of such funds. The board shall reserve the right to audit the expenditure of any and all funds. The board and any agency with which the board contracts may establish eligibility standards for the use of such funds and the receipt of services. No member of the board shall serve on the governing body, have any financial interest in, or be employed by any agency which is a recipient of funds generated pursuant to section 210.860 or **section 67.1775, RSMo**.

4. Revenues collected and deposited in the community children's services fund may be expended for the purchase of the following services:

(1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or emotionally disturbed youth; respite care services; and services to unwed mothers;

(2) Outpatient chemical dependency and psychiatric treatment programs; counseling and related services as a part of transitional living programs; home-based and community-based family intervention programs; unmarried parent services; crisis intervention services, inclusive of telephone hot lines; and prevention programs which promote healthy lifestyles among children and youth and strengthen families;

(3) Individual, group, or family professional counseling and therapy services; psychological evaluations; and mental health screenings.

5. Revenues collected and deposited in the community children's services fund may not be expended for inpatient medical, psychiatric, and chemical dependency services, or for transportation services."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Childers, **SB 323** and **SB 230**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 564--Agriculture, Conservation, Parks and Tourism.

REFERRALS

President Pro Tem Kinder referred **SB 97** to the Committee on State Budget Control.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 601--By House and Gross.

An Act to repeal sections 67.1775 and 210.861, RSMo 2000, relating to sales tax revenue for community children's services, and to enact in lieu thereof two new sections relating to the same subject.

SB 602--By Steelman.

An Act to repeal section 31.140, RSMo 2000, relating to surplus property, and to enact in lieu thereof one new section relating to the same subject.

SB 603--By Jacob.

An Act to repeal section 143.121, RSMo 2000, relating to taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 604--By Jacob.

An Act to repeal sections 320.091 and 320.094, RSMo 2000, relating to fire protection, and to enact in lieu thereof three new sections relating to the same subject.

SB 605--By Jacob.

An Act to repeal section 384.043, RSMo 2000, relating to surplus lines insurance, and to enact in lieu thereof one new section relating to the same subject.

SRB 606--By Rohrbach and Gibbons.

An Act to repeal sections 72.424, 141.265, 142.027, 208.453, 208.455, 208.457, 208.459, 208.461, 208.463, 208.465, 208.467, 208.469, 208.471, 208.473, 208.475, 208.479, 208.480, 313.353, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 620.1310, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law, with an effective date.

SB 607-By Johnson.

An Act to repeal section 168.021, RSMo 2000, relating to alternative certification for teachers, and to enact in lieu thereof two new sections relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, Missouri citizens use personal wireless communications, or cellular telephones, as a common means of communication throughout this state and the nation; and

WHEREAS, Missouri cellular telephones are relied upon for use while traveling, especially on the main highways throughout the state; and

WHEREAS, paramount among the uses for such cellular phones while traveling is use to contact emergency services when needed by a traveler in distress; and

WHEREAS, some highly-traveled stretches of state and federal highways in this state are not properly served by modern, digital cellular telephone service; and

WHEREAS, travelers in distress are not able to contact emergency services when needed in those unserved areas; and

WHEREAS, the state has an obligation to protect its citizens in emergency situations:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint legislative interim committee on wireless telecommunications coverage be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study of existing wireless telecommunications services in this state and determine the extent to which state and federal highways throughout the state are served by such wireless telecommunications services and the extent to which portions of state and federal highways throughout the state are not served by such wireless telecommunications services and the expected implementation schedule of further infrastructure necessary to serve such currently unserved areas and make all findings it deems prudent and make any recommendations it deems appropriate concerning this issue to federal, state and local governmental entities, telecommunications service providers and other interested entities, and make such recommendations as it deems appropriate on any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Missouri Highway Patrol, the Office of Public Counsel, political subdivisions of this state, telecom-munications service providers and representatives of all telecommunications customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall pro-vide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senator Rohrbach offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 22

BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that the Missouri Committee on Legislative Research shall prepare and cause to be collated, indexed, printed and bound all acts and resolutions of the Ninety-first General Assembly, First Regular Session, and shall examine the printed copies and compare them with and correct the same by the original rolls, together with an attestation under the hand of the Revisor of Statutes that he has compared the same with the original rolls in his office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same used in prior session laws and the size and style of type shall be determined by the Revisor of Statutes; and

BE IT FURTHER RESOLVED that the Joint Committee on Legislative Research is authorized to print and bind copies of the acts and resolutions of the Ninety-first General Assembly, First Regular Session, with appropriate indexing; and

BE IT FURTHER RESOLVED that the Revisor of Statutes is authorized to determine the number of copies to be printed.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 276, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elven B. Burns, DeSoto, which was adopted.

Senator Caskey offered Senate Resolution No. 277, regarding W. Merle Howell, Clinton, which was adopted.

Senator Caskey offered Senate Resolution No. 278, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eura Keeney, Jr., Climax Springs, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 28, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Sarah Steelman to the Joint Committee on Administrative Rules (Chapter 536, RSMo).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Senator Carter submitted the following:

February 28, 2001

Mrs. Terry Spieler

Secretary of the Senate

Room 325, State Capitol

Jefferson City, Missouri 65101

Dear Mrs. Spieler:

Pursuant to Rule 45, I am requesting that Senate Bill 420, which relates to creating a regional taxicab commission in St. Louis City and County be returned to committee. I feel that this bill is too controversial to remain on the Consent Calendar.

Your attention to this matter is appreciated.

Sincerely,

/s/ Paula J. Carter

Senator Paula J. Carter

Fifth Senatorial District

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, Raha Khazai, Wildwood.

Senator Bentley introduced to the Senate, her sister, Jan Horton, Springfield.

Senator Bentley introduced to the Senate, Laura Meek, Sue Noakes, Heidi Crane, Julie Reynolds, Melanie Cornwell, Julie Hoos, Marlene McCord, Kim Reece, Elaine Cook, Hollie Cline, Julie Viorel, Mary Craven, Shawna Boyd, Angie Pinegar, Melanie Blunt, Tabby Matlock and Carrie Stubblefield, members of the Junior League of Springfield.

Senator Bentley introduced to the Senate, Laura and Cynthia Greenwood, Grain Valley; and Laura and Cynthia were made honorary pages.

Senator Kinder introduced to the Senate, Julie Bell, Denver, Colorado.

Senator Sims introduced to the Senate, Jeannie Citerman-Kraeger, Kris Grigsby, M. Annette Unser, Moira Byrd, Kelly Mandry, Cheryl Horst, Caroline Ernst, Alison Johns, Jan Clinite O'Leary, Theresa Lynch, Gail Biggs, Evelyn Goering, Bea Bond, Nicole Crownover, Laurie Pickens, Patty Hofer and Mary Grace Rhoda, members of the Junior League of St. Louis.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Paul Cook, M.D., Columbia.

Senator Singleton introduced to the Senate, Dr. William Davis, M.D., Columbia.

Senator Loudon introduced to the Senate, Jaleh and Dr. Bijana Khazai, Wildwood.

Senator Sims introduced to the Senate, members of the Olivette and Creve Coeur Chambers of Commerce.

Senator Russell introduced to the Senate, Beverly Winfrey, Julie Allen, Greg Sullivan and Tim Blake, members of the Lebanon Chamber of Commerce.

Senator Russell introduced to the Senate, his sister, Alice DelCour, Susan Krieger and Freda Blevins, members of the Strafford Area Chamber of Commerce.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-FOURTH DAY-THURSDAY, MARCH 1, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 546-Kenney, et al

SB 550-Sims

SB 551-Sims

SB 552-Sims

SB 553-Klindt

SB 554-House

SB 555-House

SB 556-DePasco

SB 557-Schneider

SB 558-Singleton

SB 559-Singleton

SB 560-Caskey

SB 561-Quick

SB 562-Gibbons

SB 563-Gibbons

SB 565-Staples

SB 566-Gibbons and

Goode

SB 567-Gross

SB 568-Mathewson

SB 569-Singleton

SB 570-Singleton

SB 571-Dougherty

SB 572-Dougherty

SB 573-Dougherty

SB 574-Dougherty

SB 575-Caskey

SB 576-Kinder and

Steelman

SB 577-Stoll

SB 578-Goode and Russell

SB 579-Loudon

SB 580-Loudon

SB 581-Yeckel

SB 582-Yeckel

SB 583-Yeckel

SB 584-Yeckel

SB 585-Carter

SB 586-Klindt

SB 587-Foster

SB 588-Dougherty and

Stoll

SB 589-Russell

SB 590-Russell

SB 591-Kenney

SB 592-Caskey

SB 593-Klindt

SB 594-Klindt

SB 595-Westfall

SB 596-Loudon

SB 597-Singleton

SB 598-Singleton

SB 599-Singleton

SB 600-Singleton

SB 601-House and Gross

SB 602-Steelman

SB 603-Jacob

SB 604-Jacob

SB 605-Jacob

SRB 606-Rohrbach and

Gibbons

SB 607-Johnson

SJR 18-Singleton

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and

Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and

Richardson

HB 262-Linton, et al

THIRD READING OF SENATE BILLS

SB 32-Kinder

(In Budget Control)

SB 97-Bentley

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 226-Goode, et al,

with SCS

2. SB 220-Kinder and

Gross

3. SBs 67 & 40-Gross,
with SCS
4. SB 65-Gibbons, with
SCS
5. SB 317-Stoll, with
SCS
6. SB 50-Childers
7. SBs 253 & 260-Gross,
with SCS
8. SBs 391 & 395-
Rohrbach, with SCS
9. SB 222-Caskey
10. SB 244-Staples
11. SBs 52 & 91-Childers,
with SCS
12. SB 267-Klarich and
Schneider, with SCS
13. SB 381-Klarich
14. SB 114-Loudon, with
SCS
15. SB 339-Stoll and
Childers, with SCA 1
16. SB 48-Sims, with SCS
17. SB 400-Kenney, et al
18. SB 374-Steelman, with
SCS
19. SB 239-Stoll, with SCS
20. SBs 238 & 250-Staples,
et al, with SCS

21. SB 445-Singleton,
with SCS
22. SBs 22 & 106-
Singleton, with SCS
23. SBs 214, 124, 209 &
322-Gross, et al,
with SCS
24. SJR 9-Goode, et al
25. SB 438-Bentley and
Stoll
26. SB 251-Kinder
27. SB 375-Steelman, with SCS
28. SB 392-Kenney and DePasco
29. SB 372-Gibbons, with SCS
30. SB 454-Kinder, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 14-Mathewson
- SBs 39 & 269-Klarich and
Goode, with SCS and SS
for SCS (pending)
- SBs 89 & 37-Kinder, with SCS

SB 123-Kinder

SB 184-Johnson, et al,
with SS & SA 2 (pending)
SBs 323 & 230-Childers,
et al, with SCS
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 348-Sims

SB 352-Johnson, with SCS

SB 365-Steelman

SB 394-Bentley

SB 293-Steelman, with SCA 1

SB 315-Childers, with SCS

SB 366-House

SB 380-House

Reported 2/20

SB 288-Klarich, with SCA 1

SB 270-Schneider, with SCS

SB 370-Caskey and Goode

Reported 2/26

SB 308-Jacob, with SCS

SB 278-Westfall, with SCS

SB 371-Scott

SB 316-Stoll

SB 290-Wiggins and

DePasco, with SCS

SB 264-Steelman, with SCS

SB 263-Stoll

SB 223-Caskey

SB 66-Gibbons, with SCS#2

SB 148-Goode

SB 179-Rohrbach

SB 341-Jacob, with SCS

SB 4-Wiggins, et al, with

SCS

SB 383-Johnson, with SCS

SB 430-Dougherty

SB 441-Caskey

Reported 2/27

SB 151-Childers, with SCS

SB 135-Wiggins

SB 422-Steelman

SB 149-Goode, with SCS

SB 76-Wiggins

SB 234-Wiggins, with SCS

SB 416-Stoll

RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 21-Loudon

SCR 22-Rohrbach

Reported from Committee

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with SCS

SCR 16-Yeckel

SCR 17-Steelman, et al

SCR 18-Goode

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FOURTH DAY--THURSDAY, MARCH 1, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Saying "Yes" to God's gift of love and life primarily and above all else means choosing love as a life principle." (John Powell)

God of love, as we complete this day and journey back to those we love, we are so thankful for teaching us the meaning of loving imperfect people as ourselves so that we may learn to overlook the flaws of those whom You have given us to love and who love us. Help us make love our "life principle" and express it in the varied and many relationships we have and in Your presence this weekend make it known unto You. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
Absent with leave--Senators			
Dougherty	Goode	Johnson	Scott--4
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Staples offered Senate Resolution No. 279, regarding Dwayne E. Rumney, Grand Exalted Ruler of the Benevolent and Protective Order of Elks of the United States of America, Willmar, Minnesota, which was adopted.

Senator Steelman offered the following resolution:

SENATE RESOLUTION NO. 280

WHEREAS, new vaccines continue to be developed and mandated for our children in the name of public safety; and

WHEREAS, serious reactions to vaccines go unreported, yet vaccines have been linked to autism, epilepsy, attention deficit disorder, arthritis, diabetes, encephalitis, anaphylactic shock, sudden-infant death syndrome, HIV, and cancer; and

WHEREAS, H.R. 1003 and H.R. 5327 were introduced in the United States House of Representatives to promote Vaccine Injury Compensation Reform; and

WHEREAS, the purpose of these acts are to prevent the unfair denial of compensation under the National Vaccine Injury Compensation Program to certain individuals who are diagnosed as having vaccine-related injuries more than 36 months after the first symptom, manifestation of onset, or significant aggravation of such injuries:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, that the State of Missouri should support H.R. 1003 and H.R. 5327 and similar resolutions thereafter which aim to prevent the unfair denial of compensation to persons with vaccine-related injuries; and

BE IT FURTHER RESOLVED that the State of Missouri should support efforts to extend the statute of limitations for lawsuits involving vaccine-related injuries from 36 to 72 months; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Department of Health.

CONCURRENT RESOLUTIONS

Senator DePasco offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, the current crisis in the domestic steel industry which began in 1997 has led fourteen steel companies to file for bankruptcy, and now led to the bankruptcy of GS Industries and the announced closure of GST Steel in Kansas City which will cause job losses at GST and for vendors around the state resulting in hardship in those communities across the state of Missouri; and

WHEREAS, this crisis has been generated by surges in United States imports of steel, both from countries whose currencies have depreciated and from steel producing countries that are no longer able to export steel to the countries in economic crisis; and

WHEREAS, foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade, which ultimately have a detrimental effect on this state's economy; and

WHEREAS, there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to these situations:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby requests the President of the United States to commence immediate action to determine the entry into the customs territory of the United States of all steel products that are the product of or manufactured in Australia, China, South Africa, Ukraine, Kazakhstan, Indonesia, India, Japan, Russia, South Korea, Mexico or Brazil to determine whether the governments of those countries are abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, and take all actions necessary to enforce applicable trade agreements and laws of the United States pertaining to steel imports; and

BE IT FURTHER RESOLVED that the Missouri General Assembly requests the President of the United States to immediately impose a one-year ban on imports of all steel products of or are manufactured in Australia, China, South Africa, Ukraine, Kazakhstan, Indonesia, India, Japan, Russia, South Korea, Mexico or Brazil if the President finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and 1,000 copies ordered printed:

SB 608-By Yeckel.

An Act to amend chapter 195, RSMo, by adding thereto four new sections relating to methamphetamine manufacture, with penalty provisions.

SB 609-By Westfall.

An Act to repeal sections 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585 and 300.595, RSMo 2000, relating to the model traffic ordinance, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

SB 610-By Westfall.

An Act to repeal sections 52.300 and 54.330, RSMo 2000, relating to bonds for deputies for county collectors and treasurer ex officio collectors, and to enact in lieu thereof two new sections relating to the same subject.

SB 611-By Loudon.

An Act to repeal section 226.200, RSMo 2000, relating to transportation funding, and to enact in lieu thereof two new sections relating to the same subject, with a contingent effective date.

SB 612-By Loudon.

An Act to repeal sections 226.010, 226.200, 226.210 and 226.220, RSMo 2000, relating to the state highways and transportation commission, and to enact in lieu thereof nine new sections relating to the same subject, with a contingent effective date.

SB 613-By Gibbons.

An Act to repeal section 34.140, RSMo 2000, relating to surplus property of the state, and to enact in lieu thereof one new section relating to the same subject.

SB 614-By Gross and House.

An Act to repeal section 160.545, RSMo 2000, relating to the A+ schools program, and to enact in lieu thereof one new section relating to the same subject.

SB 615-By Foster, Klindt, Cauthorn, Johnson and Westfall.

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to the use of biodiesel to fuel school buses in school districts.

SB 616-By Steelman.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to phonics instruction.

SB 617-By Steelman.

An Act to repeal section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

SB 618-By Yeckel.

An Act to amend chapter 214, RSMo, by adding thereto one new section relating to cemeteries.

SJR 19-By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri relating to powers and duties of the state highways and transportation commission, and adopting two new sections in lieu thereof relating to the same subject.

SJR 20-By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri relating to state road fund and state transportation fund, and adopting one new section in lieu thereof relating to the same subject, with an effective date.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 308**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 278**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 263**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 66**, with **SCS No. 2**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 20**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Singleton assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 123** be called from the Informal Calendar and again taken up for perfection, which

motion prevailed.

Senator Schneider offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by adding after line 35:

"7. Nothing in this act shall be interpreted to limit any properly cognizable action at law or equity by an individual person or corporation other than the state, city, county or other political subdivision."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by adding:

"7. Nothing in this act shall be interpreted to prevent a civil action against a manufacturer or seller of firearms or ammunition where the defendant is shown to have acted recklessly to cause the injury or death of another person or acts with criminal negligence to cause the injury or death of another, that is, the trier of fact must find that the defendant failed to be aware of a substantial and unjustifiable risk and that such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation."

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Jacob, Stoll and Westfall.

SA 12 failed of adoption by the following vote:

YEAS--Senators			
Bland	DePasco	Jacob	Schneider
Wiggins--5			
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Yeckel--23	
Absent--Senators			
Carter	Klindt--2		
Absent with leave--Senators			
Dougherty	Goode	Johnson	Scott--4

Senator Bland offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Bill No. 123, Page 1, In the Title, Line 2, by striking the following: "relating to rights of political subdivisions,"; and further amend line 3, by striking the words "to the same subject" and inserting in lieu thereof the following: "the marketing, manufacture and sale of firearms"; and

Further amend said bill, Page 2, Section 21.750, Line 35, by inserting after all of said line the following:

"571.227. 1. It shall be unlawful for manufacturers of concealable firearms, as defined in section 571.010, or of assault weapons, as defined in subsection 2 of this section, to distribute any concealable firearm or assault weapon in this state unless such firearm is equipped with a reusable child safety lock, firearm lock or firearm locking device, gun lock or gun locking device appropriate for such firearm, which lock or device shall be constructed of material sufficiently strong to prevent it from being easily disabled and have a locking mechanism accessible by key or electronic or other mechanical accessory specific to such lock or device to prevent unauthorized removal of the locking device.

2. As used in this section an assault weapon is:

(1) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol;

(2) A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be rapidly assembled if those parts are in the possession or under the control of the same person; or

(3) Any of the following:

(a) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

a. A pistol grip that protrudes conspicuously beneath the action of the weapon;

b. A thumbhole stock;

c. A folding or telescoping stock;

d. A grenade launcher or flare launcher;

e. A flash suppressor;

f. A forward pistol grip;

(b) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than ten rounds;

(c) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches;

(d) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

a. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

b. A second handgrip;

- c. A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel;
- d. The capacity to accept a detachable magazine at some location outside of the pistol grip;
- (e) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than ten rounds;
- (f) A semiautomatic shotgun that has both of the following:
 - a. A folding or telescoping stock; and
 - b. A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip;
- (g) A semiautomatic shotgun that has the ability to accept a detachable magazine; or
- (h) Any shotgun with a revolving cylinder.

3. "Assault weapon" does not include any antique firearm.

4. As used in this section, the following terms mean:

- (1) "Capacity to accept more than ten rounds", capable of accommodating more than ten rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than ten rounds;
- (2) "Magazine", any ammunition feeding device.

5. As used in this section the term "assault weapon" does not include any firearm modified to render it permanently inoperable."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Jacob, Wiggins, Sims and Kinder.

SA 13 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Jacob	Schneider
Sims	Wiggins--6		
NAYS--Senators			
Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	House	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Singleton
Staples	Steelman	Stoll	Westfall
Yeckel--21			
Absent--Senators			
Carter	DePasco	Quick--3	
Absent with leave--Senators			
Dougherty	Goode	Johnson	Scott--4

Senator Bland offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Bill No. 123, Page 2, Section 21.750, Line 35, by inserting after all of said line the following:

"7. The provisions of subsections 4, 5 and 6 of this section shall not apply unless the product has been delivered or placed in the stream of commerce with a trigger lock device."

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Jacob, Mathewson, Westfall and Wiggins.

SA 14 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Jacob	Schneider
Wiggins--5			
NAYS--Senators			
Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	House	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Singleton
Staples	Steelman	Stoll	Westfall
Yeckel--21			
Absent--Senators			
Carter	DePasco	Quick	Sims--4
Absent with leave--Senators			
Dougherty	Goode	Johnson	Scott--4

Senator Jacob offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Bill No. 123, Page 2, Section 21.750, Lines 18-20, by deleting all of said lines and renumbering the remaining subsections accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kenney, Kinder, Stoll and Wiggins.

SA 15 failed of adoption by the following vote:

YEAS--Senators			
Bland	Jacob	Schneider	Wiggins--4
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Singleton
Staples	Steelman	Stoll	Westfall
Yeckel--21			
Absent--Senators			
Carter	DePasco	Mathewson	Quick
Sims--5			

On motion of Senator Kinder, **SB 123**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Kinder referred **SCR 21** and **SCR 22** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 15**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2001.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 144** and **46**, entitled:

An Act to repeal section 575.230, RSMo 2000, relating to jails and jailers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 328** and **88**, entitled:

An Act to repeal sections 198.530, 354.535, 354.618, 376.383, 376.406, 376.893, 376.1350, 376.1361, 376.1367, 376.1400 and 376.1403, RSMo 2000, relating to the regulation of managed care, and to enact in lieu thereof seventeen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 207**, entitled:

An Act to repeal sections 34.115 and 313.835, and to enact in lieu thereof two new sections relating to the veterans' commission capital improvement trust fund, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 567**, entitled:

An Act to repeal sections 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.177, 324.205, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 332.081, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.622, 339.090, 345.080 and 620.010, RSMo 2000, relating to professional registration, and to enact in lieu thereof seventy-eight new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 241**, entitled:

An Act to repeal sections 456.012, 456.013, 456.700, 456.710, 456.720, 456.730, 456.740, 456.750, 456.760, 456.770, 456.780, 456.790, 456.800, 456.810 and 456.820, RSMo 2000, relating to trusts and estates, and to enact in lieu thereof thirty-five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONCURRENT RESOLUTIONS

Senator Yeckel offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, energy services and resources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, attempts across the nation to deregulate energy services and resources have met with both success and failure in the effort to create competitive markets, make available new services and customer choices and reduce rates; and

WHEREAS, Missouri customers rely upon natural gas, electricity and propane gas for home and business heating; and

WHEREAS, electricity is an essential support for all aspects of modern life; and

WHEREAS, producers of electricity in this region rely on coal, hydroelectric, nuclear and natural gas-powered generating plants; and

WHEREAS, there has been a trend toward rapidly escalating use of natural gas to generate electricity in our region and across the nation; and

WHEREAS, the rapid increase in use of natural gas for production of electricity has reduced available supplies and caused significant increases in the price of natural gas and in the price of electricity produced from natural gas; and

WHEREAS, Missouri energy customers have recently experienced enormous increases in the cost of natural gas, propane and electricity, to the extent that heating bills for many Missouri residents this winter will more than double compared to the same period last year, bringing great hardship upon many Missourians, especially those with low incomes and older Missourians living on fixed incomes; and

WHEREAS, there is a need for review of the strategy for energy use in our state and our region, including the choices of energy used for heating and generation of electricity:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint legislative committee on Energy Resources be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study concerning all energy resources produced and used in this state and related energy service regions and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of energy production, distribution, sale and use including consideration of the effects on residential customers, small and large business customers, utility shareholders and other stakeholders, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, energy service providers, energy utilities and representatives of all energy customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, Missouri law requires parental consent of at least one parent in order for a minor to obtain an abortion, unless excused by a court; and

WHEREAS, Illinois law contains no such parental consent requirement; and

WHEREAS, as a result, Missouri resident minors may cross the state border to Illinois to access abortion providers in order to avoid state law:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby implore the General Assembly of the State of Illinois to enact a law to either require parental consent prior to allowing a minor to obtain an abortion; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to Governor George H. Ryan of Illinois and the President Pro Tempore James "Pate" Philip and Speaker of the House Michael Madigan for the State of Illinois.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 619-By Mathewson.

An Act to repeal section 190.109, RSMo 2000, relating to emergency services, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 620-By Gibbons.

An Act to amend chapter 144, RSMo, by adding thereto nine new sections relating to sales and use taxes.

SB 621-By Gibbons.

An Act to repeal sections 136.300 and 621.050, RSMo 2000, relating to the burden of proof in tax cases, and to enact in lieu thereof two new sections relating to the same subject.

SB 622-By Westfall.

An Act to repeal section 367.044, RSMo 2000, relating to pawnbrokers, and to enact in lieu thereof one new section relating to the same subject.

SB 623-By Westfall.

An Act to repeal section 301.453, RSMo 2000, relating to congressional license plates, and to enact in lieu thereof one new section relating to the same subject.

SB 624-By Wiggins.

An Act to repeal sections 204.300 and 204.370, RSMo 2000, and to enact in lieu thereof two new sections relating to sewer districts.

SB 625-By Stoll.

An Act to amend chapter 249, RSMo, by adding thereto seven new sections relating to sewer districts.

SB 626-By Bentley.

An Act to repeal section 135.207, RSMo 2000, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

SB 627-By Dougherty.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to coverage for clinical trials.

SB 628-By Jacob.

An Act to amend chapter 455, RSMo, by adding thereto one new section relating to restraining orders for juveniles.

SB 629-By Jacob.

An Act to repeal sections 571.030, 571.070 and 571.090, RSMo 2000, relating to certain weapons offenses, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions and a referendum clause.

SB 630-By Bland, DePasco, Wiggins and Jacob.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to the Kansas City Missouri school district.

SJR 21-By Schneider, Klarich, Wiggins, Kinder and Caskey.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26 of article V of the Constitution of Missouri relating to the judiciary, and adopting one new section in lieu thereof relating to the same subject.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 281, regarding Frances Myers Schlichenmaier, Kansas City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 282, regarding Brenton C. Walotka, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 283, regarding Sean Lamberson, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 284, regarding William Franklin Miller, III, Philadelphia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 285, regarding Mark Dickman, Hannibal, which was adopted.

COMMUNICATIONS

Senator Kenney submitted the following:

March 1, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the following caucuses:

Women Legislators of Missouri Democrat Women Legislators

Republican Women Legislators Women Representatives

Women Senators Republican Women Representatives

Republican Women Senators

Democrat Women Representatives

A list of participating women is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Senate Members:

Senator Anita Yeckel, District 1

Senator Paula Carter, District 5

Senator Mary Groves Bland, District 9

Senator Sarah Steelman, District 16

Senator Betty Sims, District 24

Senator Roseann Bentley, District 30

House Members:

Rep. Cindy Ostmann, Dist. 14 Rep. Danielle Moore, Dist. 20

Rep. Nancy Copenhaver, Dist. 22 Rep. Vicky Riback Wilson, Dist. 25

Rep. Glenda Kelly, Dist. 27 Rep. Meg Harding, Dist. 30

Rep. Susan Phillips, Dist. 32 Rep. Sharon Sanders Brooks, Dist. 37

Rep. Marsha Campbell, Dist. 39 Rep. Melba Curls, Dist. 41

Rep. Yvonne Wilson, Dist. 42 Rep. Jenee Lowe, Dist. 44

Rep. Cathy Jolly, Dist. 45 Rep. Carol Jean Mays, Dist. 50

Rep. Connie Cierpiot, Dist. 52 Rep. Amber Boykins, Dist. 60

Rep. Connie Johnson, Dist. 61 Rep. Maida Coleman, Dist. 63

Rep. Juanita Walton, Dist. 69 Rep. Esther Haywood, Dist. 71

Rep. Betty Thompson, Dist. 72 Rep. Mary Hagan-Harrell, Dist. 75

Rep. Lana Ladd Baker, Dist. 76 Rep. Barbara Fraser, Dist. 83

Rep. Joan Bray, Dist. 84 Rep. Jane Cunningham, Dist. 86

Rep. Catherine L. Hanaway, Dist. 87 Rep. Kathlyn Fares, Dist. 91

Rep. Patricia Secrest, Dist. 93 Rep. May Scheve, Dist. 98

Rep. Catherine Enz, Dist. 99 Rep. Joan Barry, Dist. 100

Rep. Kate Hollingsworth, Dist. 101 Rep. Deleta Williams, Dist. 121

Rep. Linda Bartelsmeyer, Dist. 132 Rep. Norma Champion, Dist. 134

Rep. Judy Berkstresser, Dist. 141 Rep. Beth Long, Dist. 146

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Philip and Teresa Mayhew Hess, and their son, Mark, and Kyle Winder and Joe Lauth, St. Louis; and Kyle, Joe and Mark were made honorary pages.

On behalf of Senator Singleton, the President introduced to the Senate, Karen Thomas and Cheryl Fitch, Oxford Healthcare.

Senator Klarich introduced to the Senate, Dr. Karen Herzog and Jon Bauer, Union.

Senator Schneider introduced to the Senate, thirty-five seventh grade students from St. Thomas Apostle School, Florissant; and Justin Purl, Nick Williams, Amanda Montrey, Stephanie Jenkins and Anna LaVoi were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Gary Horowitz, M.D., Columbia.

Senator Schneider introduced to the Senate, Sue Downs and fifty-three fourth grade students from Robinwood Elementary School, Florissant; and Anthony Rodgers, Kayla Smith, Mallory Newbern and Jacobi Ward were made

honorary pages.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, March 5, 2001.

SENATE CALENDAR

THIRTY-FIFTH DAY-MONDAY, MARCH 5, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 546-Kenney, et al

SB 550-Sims

SB 551-Sims

SB 552-Sims

SB 553-Klindt

SB 554-House

SB 555-House

SB 556-DePasco

SB 557-Schneider

SB 558-Singleton

SB 559-Singleton

SB 560-Caskey

SB 561-Quick

SB 562-Gibbons

SB 563-Gibbons

SB 565-Staples

SB 566-Gibbons and Goode

SB 567-Gross

SB 568-Mathewson

SB 569-Singleton

SB 570-Singleton

SB 571-Dougherty

SB 572-Dougherty

SB 573-Dougherty

SB 574-Dougherty

SB 575-Caskey

SB 576-Kinder and

Steelman

SB 577-Stoll

SB 578-Goode and Russell

SB 579-Loudon

SB 580-Loudon

SB 581-Yeckel

SB 582-Yeckel

SB 583-Yeckel

SB 584-Yeckel

SB 585-Carter

SB 586-Klindt

SB 587-Foster

SB 588-Dougherty and

Stoll

SB 589-Russell

SB 590-Russell

SB 591-Kenney

SB 592-Caskey

SB 593-Klindt

SB 594-Klindt

SB 595-Westfall

SB 596-Loudon

SB 597-Singleton

SB 598-Singleton

SB 599-Singleton and

DePasco

SB 600-Singleton

SB 601-House and Gross

SB 602-Steelman

SB 603-Jacob

SB 604-Jacob

SB 605-Jacob

SRB 606-Rohrbach and

Gibbons

SB 607-Johnson

SB 608-Yeckel

SB 609-Westfall

SB 610-Westfall

SB 611-Loudon

SB 612-Loudon

SB 613-Gibbons

SB 614-Gross and House

SB 615-Foster, et al

SB 616-Steelman

SB 617-Steelman

SB 618-Yeckel

SB 619-Mathewson

SB 620-Gibbons

SB 621-Gibbons

SB 622-Westfall

SB 623-Westfall

SB 624-Wiggins

SB 625-Stoll

SB 626-Bentley

SB 627-Dougherty

SB 628-Jacob

SB 629-Jacob

SB 630-Bland, et al

SJR 18-Singleton

SJR 19-Loudon

SJR 20-Loudon

SJR 21-Schneider, et al

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and

Richardson

HB 262-Linton, et al

HCS for HB 15

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

THIRD READING OF SENATE BILLS

SB 32-Kinder

(In Budget Control)

SB 97-Bentley

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 226-Goode, et al,
with SCS
2. SB 220-Kinder and Gross
3. SBs 67 & 40-Gross,
with SCS
4. SB 65-Gibbons, with
SCS
5. SB 317-Stoll, with SCS
6. SB 50-Childers
7. SBs 253 & 260-Gross,
with SCS
8. SBs 391 & 395-
Rohrbach, with SCS
9. SB 222-Caskey
10. SB 244-Staples
11. SBs 52 & 91-Childers,
with SCS
12. SB 267-Klarich and
Schneider, with SCS
13. SB 381-Klarich
14. SB 114-Loudon, with SCS
15. SB 339-Stoll and
Childers, with SCA 1
16. SB 48-Sims, with SCS
17. SB 400-Kenney, et al
18. SB 374-Steelman, with SCS
19. SB 239-Stoll, with SCS

20. SBs 238 & 250-Staples,
et al, with SCS

21. SB 445-Singleton,
with SCS

22. SBs 22 & 106-
Singleton, with SCS

23. SBs 214, 124, 209 &
322-Gross, et al, with SCS

24. SJR 9-Goode, et al

25. SB 438-Bentley and
Stoll

26. SB 251-Kinder

27. SB 375-Steelman, with SCS

28. SB 392-Kenney and
DePasco

29. SB 372-Gibbons, with SCS

30. SB 454-Kinder, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 14-Mathewson

SBs 39 & 269-Klarich and

Goode, with SCS and SS

for SCS (pending)

SBs 89 & 37-Kinder, with SCS

SB 184-Johnson, et al,
with SS & SA 2 (pending)
SBs 323 & 230-Childers,
et al, with SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 348-Sims

SB 352-Johnson, with SCS

SB 365-Steelman

SB 394-Bentley

SB 293-Steelman, with SCA 1

SB 315-Childers, with SCS

SB 366-House

SB 380-House

Reported 2/20

SB 288-Klarich, with SCA 1

SB 270-Schneider, with SCS

SB 370-Caskey and Goode

Reported 2/26

SB 371-Scott

SB 316-Stoll

SB 290-Wiggins and

DePasco, with SCS

SB 264-Steelman, with SCS

SB 223-Caskey

SB 148-Goode

SB 179-Rohrbach

SB 341-Jacob, with SCS

SB 4-Wiggins, et al, with

SCS

SB 383-Johnson, with SCS

SB 430-Dougherty

SB 441-Caskey Reported 2/27

SB 151-Childers, with SCS

SB 135-Wiggins

SB 422-Steelman

SB 149-Goode, with SCS

SB 76-Wiggins

SB 234-Wiggins, with SCS

SB 416-Stoll

RESOLUTIONS

SR 58-Singleton

To be Referred

SR 280-Steelman

SCR 23-DePasco

SCR 24-Yeckel

SCR 25-Loudon Reported from Committee

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with SCS

SCR 16-Yeckel

SCR 17-Steelman, et al

SCR 18-Goode

SCR 20-Kinder Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIFTH DAY--MONDAY, MARCH 5, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"To think too quickly of prayer as a matter of words can be a most discouraging thing." (Alan Ecclestone)

Gracious God, we sometimes are so concerned with what to say we interfere with what You might say through us. Let our days begin and end in quiet contemplation. Help us to open the channel between our spirits and Yours. Help us to be thoughtful to what You encourage us to express, not so much in words but in action and feeling. Help us serve You this week in this chamber as those called to serve. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 1, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 286, regarding Dr. V. M. "Mac" Wilt, Paris, which was adopted.

Senator Cauthorn offered Senate Resolution No. 287, regarding the One Hundredth Birthday of Mary Ann Watson, Atlanta, which was adopted.

Senator Bentley offered Senate Resolution No. 288, regarding Christopher A. Jennings, Jefferson City, which was adopted.

Senator Sims offered Senate Resolution No. 289, regarding David Charles Knes, St. Ann, which was adopted.

Senator Sims offered Senate Resolution No. 290, regarding Doris Smith, St. Louis, which was adopted.

Senator Johnson offered Senate Resolution No. 291, regarding the Platte County R-III School District's 1A-2A Champion Pirate wrestling program.

Senator Rohrbach offered Senate Resolution No. 292, regarding Father Donald Lammers, Jefferson City, which was adopted.

Senator Sims offered Senate Resolution No. 293, regarding Children's Hope International, which was adopted.

Senator DePasco offered Senate Resolution No. 294, regarding Adam Laughlin, Independence, which was adopted.

Senator Caskey offered Senate Resolution No. 295, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billy G. Cain, Butler, which was adopted.

THIRD READING OF SENATE BILLS

SB 348, introduced by Senator Sims, entitled:

An Act to repeal section 475.083, RSMo 2000, relating to guardianship of children, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 348** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Kinder	Quick
Schneider	Stoll--6		
Absent with leave--Senator Gross--1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 352, with **SCS**, introduced by Senator Johnson, entitled:

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to capital improvements.

Was called from the Consent Calendar and taken up.

SCS for **SB 352**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 352

An Act to amend chapter 94, RSMo, by adding thereto one new section relating to capital improvements.

Was taken up.

Senator Johnson moved that **SCS** for **SB 352** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 352** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland	Schneider--2
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Absent with leave--Senator Gross--1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

SB 365, introduced by Senator Steelman, entitled:

An Act to repeal section 67.1360, RSMo 2000, relating to tourism taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Steelman, **SB 365** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland
Schneider--2
Absent with leave--Senator Gross--1

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 394, introduced by Senator Bentley, entitled:

An Act to authorize the conveyance of certain property between the board of governors of Southwest Missouri State University and the Southwest Missouri Ecumenical Center.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 394** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Schneider--2		
Absent with leave--Senator Gross--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

Senator Sims assumed the Chair.

SB 293, with **SCA 1**, introduced by Senator Steelman, entitled:

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to advisory committee for electronic commerce.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Steelman, **SB 293**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Rohrbach--1			
Absent--Senators			
Russell	Schneider--2		
Absent with leave--Senator Gross--1			

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Goode, **SB 226**, with **SCS**, was placed on the Informal Calendar.

Senator Kinder moved that **SB 220** be taken up for perfection, which motion prevailed.

Senator Kinder offered **SS** for **SB 220**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 220

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675 and 28.678, RSMo 2000, and section 28.681 as enacted by senate bill 680 during the second regular session of the eighty-ninth general assembly, relating to the uniform electronic transactions act, and to enact in lieu thereof seventeen new sections relating to the same subject.

Senator Kinder moved that **SS** for **SB 220** be adopted.

At the request of Senator Kinder, **SB 220**, with **SS** (pending), was placed on the Informal Calendar.

SB 67 and **SB 40**, with **SCS**, were placed on the Informal Calendar.

SB 65, with **SCS**, was placed on the Informal Calendar.

Senator Stoll moved that **SB 317**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 317**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 317

An Act to repeal sections 700.015, 700.025, 700.045, 700.050, 700.090 and 700.100, RSMo 2000, relating to manufactured housing, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Stoll moved that **SCS** for **SB 317** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 317, Page 1, In the Title, Line 3, by striking the word "manufactured"; and

Further amend said bill and page, Section A, Line 4, by inserting immediately after said line the following:

"324.700. As used in sections 324.700 to 324.745, unless the context provides otherwise, the following terms shall mean:

- (1) "Division", the division of motor carrier and railroad safety;**
- (2) "House", a dwelling or other structure intended for human habitat in excess of fourteen feet in width. A house does not include a manufactured home as defined in section 700.010, RSMo, or a modular unit;**
- (3) "Housemover", a person actively engaged on a full-time basis in the intrastate movement of houses on public roads and highways of this state;**
- (4) "Housemoving", engaging actively and directly on a full-time basis in the intrastate movement of houses on public roads and highways of this state;**
- (5) "Person", an individual, corporation, partnership, association or any other business entity.**

324.703. All persons who engage in the business of housemoving on the roads and highways of this state shall be licensed by the division of motor carrier and railroad safety.

324.706. The division shall issue licenses to applicants meeting the following conditions:

- (1) The applicant must be at least eighteen years of age, possess a valid commercial driver's license and have at least twenty-four months experience in moving houses;**
- (2) The applicant must furnish proof that all of the vehicles to be used in the movement of houses have met the requirements of sections 307.350 to 307.400, RSMo, or its equivalent pertaining to the inspection of motor vehicles;**
- (3) The applicant must exhibit his federal employer's identification number; and**
- (4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to and collected by the division of motor carrier and railroad safety and transmitted to the director of revenue and deposited in the state treasury to the credit of the state highways and transportation fund as established in section 226.200, RSMo.**

324.709. A license issued pursuant to sections 324.700 to 327.742 shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.

324.712. 1. No license shall be issued or renewed unless the applicant files with the division a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:

(1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum amount of coverage established by the division by rule;

(2) Comprehensive general liability insurance with a minimum level of coverage established by the division by rule, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and

(3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees.

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the division a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the division of any of the following events at least thirty days before its occurrence:

(1) Cancellation of the policy;

(2) Nonrenewal of the policy by the company; or

(3) Any change in the policy.

4. In addition to all coverages required by this section, the applicant shall file with the division a copy of either:

(1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's house for all claims for property damage arising from the movement of a house; or

(2) A policy of cargo insurance in the amount of one hundred thousand dollars.

324.715. 1. Persons licensed as housemovers shall also be required to secure a special permit, as provided for pursuant to section 304.200, RSMo, from the chief engineer of the department of highways and transportation for every move undertaken on the state highway system.

2. A license shall not be required for individuals moving their own houses from or to property owned individually by those person; however, a special permit will be required for all moves.

324.742. Any person violating sections 324.700 to 324.745 or the regulations of the division or department of transportation shall be guilty of a class A misdemeanor.

324.745. 1. If any provisions of sections 324.700 to 324.745, or if the application of such provisions to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision of sections 324.700 to 324.745 other than those as to which it is held valid, shall not be affected thereby.

2. Nothing in sections 324.700 to 324.745 shall be construed to limit, modify or supercede the standards governing the intrastate or interstate movement of property pursuant to 49 U.S.C. 14501 or 49 U.S.C. 14504.

3. The provisions of sections 324.700 to 324.745 shall not apply to housemovers engaged in the interstate movement of houses. Those engaged in the interstate movement of houses, however, shall comply with all

applicable provisions of federal and state law with respect to the movement of such property."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SCS** for **SB 317**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 317**, as amended, was declared perfected and ordered printed.

Senator Childers moved that **SB 50** be taken up for perfection, which motion prevailed.

Senator DePasco offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 50, Page 2, Section 21.184, Line 14, by striking the word "shall" and inserting in lieu thereof the word "**may**".

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 50, Page 2, Section 21.184, Line 23, following said line by adding:

"4. The provisions of this section shall sunset on 31 December, 2005."; and

Further by adding the following on line 12, Section 21.186:

"3. The provisions of this section shall sunset on 31 December, 2005.".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 50, Page 2, Section 21.184, Line 13, by adding immediately after the word "responsibilities" the following:

", particularly regarding legislative authority and prerogatives as a separate but equal branch of government including refresher courses on the Missouri Constitution and case law regarding the state constitution".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **SB 50**, as amended, was declared perfected and ordered printed.

SB 253 and **SB 260**, with **SCS**, were placed on the Informal Calendar.

Senator Dougherty requested unanimous consent of the Senate to withdraw **SB 627** from further consideration, which request was granted.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Com-mittees indicated:

SB 568--Local Government and Economic Development.

SB 605--Insurance and Housing.

SB 619--Local Government and Economic Development.

SJR 18--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SJR 19--Transportation.

SJR 20--Transportation.

SJR 21--Judiciary.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 15**--Appropriations.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Scott B. Lakin, 6020 North Chelsea Avenue, Kansas City, Clay County, Missouri 64119, as Director of the Department of Insurance, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Keith A. Wenzel, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Catherine B. Leapheart, 1810 Pinnacle Point, Holts Summit, Callaway County, Missouri 65043, as Director of the Department of Labor and Industrial Relations, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen M. Mahfood, 7311 North Shore Road, Hartsburg, Boone County, Missouri 65039, as Director of the Department of Natural Resources, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dana Katherine Martin, 2323 St. Louis Road, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Gary J. Stangler, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gary D. Collins, Democrat, 2604 Huntleigh Place, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, Susan Rollins, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Milamari A. Cunningham, M.D., Republican, 8202 South Bennett Drive, Columbia, Boone County, Missouri 65201, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2003, and until her successor is duly appointed and qualified; vice, Nancy Stemme, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert Steven Gaw, Democrat, 1717 South Williams, Moberly, Randolph County, Missouri 65270, as a member of the Public Service Commission, for a term ending January 4, 2007, and until his successor is duly appointed and qualified; vice, Robert G. Schemenauer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Delores A. Hudson, Democrat, 1230 Pembroke Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the Board of Governors for Central Missouri State University, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Lynn A. Harmon, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James K. Reinhard, Democrat, 118 West Locust, Box 57, Paris, Monroe County, Missouri 65275, as a member of the Missouri Agriculture and Small Business Development Authority, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, Albert Elfrank, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 215** and **SB 440**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 443**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Trans-portion, to which was referred **SB 406**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 407**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 421**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **SB 435**, begs leave to report that it has

considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 436**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 442**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 491**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 345**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 191**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 191, Page 1, Section 74.450, Line 14, by inserting after the word "regular" the following: **"municipal"**.

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 191, Page 1, In the Title, Line 2, by striking "section" and inserting in lieu thereof the following: "sections 77.370 and"; and further amend line 3, by striking "one new section" and inserting in lieu thereof the following: "two new sections"; and

Further amend said bill and page, Section A, Lines 1 and 2, by striking said lines and inserting in lieu thereof the following:

"Section A. Sections 77.370 and 77.450, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 77.370 and 77.450, to read as follows:

77.370. 1. Except as hereinafter provided, the following officers shall be elected by the voters of the city: Mayor, police judge, attorney, assessor, collector, treasurer and, except in cities which adopt the merit system police department, a marshal.

2. Notwithstanding the provisions of subsection 1 of this section, in cities which contract with another entity for police service, the city council may eliminate the office of marshal.

3. The attorney shall be a person licensed to practice law in Missouri, and the council, by ordinance, may provide for the appointment of an attorney, by the mayor with the approval of the council, in lieu of electing an attorney. If so appointed he shall serve at the pleasure of the mayor and council.

[3.] **4.** Whenever a city contracts for the assessment of property or the collection of taxes [by the county or township assessor or collector, respectively,] **with either a public or private entity** as authorized by section 70.220, RSMo, the city council shall by ordinance provide that at the expiration of the term of the then city assessor or collector, as the case may be, the office is abolished and thereafter no election shall be had to fill the office; except that in the event the contract expires and, for any reason, is not renewed, the council may by ordinance provide for the election of such officer at the next and succeeding regular elections for municipal officers.

[4.] **5.** The term of office for each of the officers is two years except the office of mayor and the marshal which are four-year terms. All officers hold office until their successors are duly elected or appointed and qualified.

[5.] **6.** The council, by ordinance, may provide that any officer of the city except the mayor and the councilmen shall be appointed instead of elected. Such ordinance shall set the manner of appointment, in accordance with section 77.330, and the term of office for each appointive officer, which term shall not exceed four years."

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 354**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 200**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, Senator Kenney submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 449**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 123**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 393**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Kinder referred **SR 280; SCR 23; SCR 24; and SCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SB 383**, with **SCS**, to the Committee on State Budget Control.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 296, regarding Matthew Joseph "Matt" Mayer, Jr., Arnold, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Jim and Debbie Good, Myra Case, Barb and Bob Flint, Randy and Bettie Miller, Stephanie Dustman, Renee Fisher, Anna Brundage, Sarah Manda, Brian McDavitt, Craig and Lori Jones, Paul Hessling and Joyce and Andy Anderson, Pleasant Hill.

Senator Kenney introduced to the Senate, Tricia Lawrence and members of the Lee's Summit High School Student Senate, Lee's Summit.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SIXTH DAY-TUESDAY, MARCH 6, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 546-Kenney, et al

SB 550-Sims

SB 551-Sims

SB 552-Sims

SB 553-Klindt

SB 554-House

SB 555-House

SB 556-DePasco

SB 557-Schneider

SB 558-Singleton

SB 559-Singleton

SB 560-Caskey

SB 561-Quick

SB 562-Gibbons

SB 563-Gibbons

SB 565-Staples

SB 566-Gibbons and Goode

SB 567-Gross

SB 569-Singleton

SB 570-Singleton

SB 571-Dougherty

SB 572-Dougherty

SB 573-Dougherty

SB 574-Dougherty

SB 575-Caskey

SB 576-Kinder and

Steelman

SB 577-Stoll

SB 578-Goode and Russell

SB 579-Loudon

SB 580-Loudon

SB 581-Yeckel

SB 582-Yeckel

SB 583-Yeckel

SB 584-Yeckel

SB 585-Carter

SB 586-Klindt

SB 587-Foster

SB 588-Dougherty and Stoll

SB 589-Russell

SB 590-Russell

SB 591-Kenney

SB 592-Caskey

SB 593-Klindt

SB 594-Klindt

SB 595-Westfall

SB 596-Loudon

SB 597-Singleton

SB 598-Singleton

SB 599-Singleton and

DePasco

SB 600-Singleton

SB 601-House and Gross

SB 602-Steelman

SB 603-Jacob

SB 604-Jacob

SRB 606-Rohrbach and

Gibbons

SB 607-Johnson

SB 608-Yeckel

SB 609-Westfall

SB 610-Westfall

SB 611-Loudon

SB 612-Loudon

SB 613-Gibbons

SB 614-Gross and House

SB 615-Foster, et al

SB 616-Steelman

SB 617-Steelman

SB 618-Yeckel

SB 620-Gibbons

SB 621-Gibbons

SB 622-Westfall

SB 623-Westfall

SB 624-Wiggins

SB 625-Stoll

SB 626-Bentley

SB 628-Jacob

SB 629-Jacob

SB 630-Bland, et al HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and

Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and

Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241 THIRD READING OF SENATE BILLS

SB 32-Kinder

(In Budget Control)

SB 97-Bentley

(In Budget Control)

SB 123-Kinder

SENATE BILLS FOR PERFECTION

1. SBs 391 & 395-

Rohrbach, with SCS

2. SB 222-Caskey

3. SB 244-Staples

4. SBs 52 & 91-Childers, with SCS

5. SB 267-Klarich and

Schneider, with SCS

6. SB 381-Klarich

7. SB 114-Loudon, with

SCS

8. SB 339-Stoll and

Childers, with SCA 1

9. SB 48-Sims, with SCS

10. SB 400-Kenney, et al

11. SB 374-Steelman, with SCS

12. SB 239-Stoll, with SCS

13. SBs 238 & 250-Staples,

et al, with SCS

14. SB 445-Singleton,

with SCS

15. SBs 22 & 106-Singleton, with SCS

16. SBs 214, 124, 209 &

322-Gross, et al, with SCS

17. SJR 9-Goode, et al

18. SB 438-Bentley and Stoll

19. SB 251-Kinder

20. SB 375-Steelman, with SCS

21. SB 392-Kenney and DePasco

22. SB 372-Gibbons, with SCS

23. SB 454-Kinder, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 14-Mathewson

SBs 39 & 269-Klarich and

Goode, with SCS and SS

for SCS (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 184-Johnson, et al,

with SS & SA 2 (pending)

SB 220-Kinder and Gross,

with SS (pending)

SB 226-Goode, et al, with SCS

SBs 253 & 260-Gross, with SCS

SBs 323 & 230-Childers,

et al, with SCS

(pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

SB 366-House

SB 380-House

Reported 2/20

SB 288-Klarich, with SCA 1

SB 270-Schneider, with SCS

SB 370-Caskey and Goode

Reported 2/26

SB 371-Scott

SB 316-Stoll

SB 290-Wiggins and

DePasco, with SCS

SB 264-Steelman, with SCS

SB 223-Caskey

SB 148-Goode

SB 179-Rohrbach

SB 341-Jacob, with SCS

SB 4-Wiggins, et al, with

SCS

SB 383-Johnson, with SCS

(In Budget Control)

SB 430-Dougherty

SB 441-Caskey Reported 2/27

SB 151-Childers, with SCS

SB 135-Wiggins

SB 422-Steelman

SB 149-Goode, with SCS

SB 76-Wiggins

SB 234-Wiggins, with SCS

SB 416-Stoll Reported 3/5

SBs 215 & 440-Gross, with SCS

SB 443-Staples

SB 406-Westfall

SB 407-Dougherty, with SCS

SB 421-Gross

SB 435-Goode

SB 436-Goode

SB 442-Caskey

SB 491-Rohrbach, with SCS

SB 345-House

SB 191-Goode, with SCAs 1 & 2

SB 354-Johnson and Scott

SB 200-Sims

SB 449-Sims

SB 393-Sims, with SCS RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with

SCS

SCR 16-Yeckel

SCR 17-Steelmann, et al

SCR 18-Goode

SCR 20-Kinder Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY--TUESDAY, MARCH 6, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I will turn the darkness before them into light, the rough places into level ground." (Isaiah 42:16)

Heavenly Father, we are grateful that You have given us light to direct us in our darkness and have prepared our path that we might not stumble. May this light shine through us today so that others may also be guided by what we say and do and seek to walk in Your righteous pathways also. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

THIRD READING OF SENATE BILLS

SB 366, introduced by Senator House, entitled:

An Act to repeal sections 288.032, 288.034 and 288.100, RSMo 2000, relating to the correction of certain statutory cross-references in chapter 288 of the revised statutes of Missouri, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 366** was read the 3rd time and passed by the following vote:

YEAS--Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Stoll--3
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Absent with leave--Senator Gross--1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 380, introduced by Senator House, entitled:

An Act to repeal section 288.090, RSMo 2000, relating to the implementation of the industrial classification system for determination of employer unemployment contributions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 380** was read the 3rd time and passed by the following vote:

YEAS--Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley	Bland--2
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Absent with leave--Senator Gross--1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Dougherty moved that motion lay on the table, which motion prevailed.

SB 288, with **SCA 1**, introduced by Senator Klarich, entitled:

An Act to repeal sections 351.120, 351.220, 351.268, 351.410, 351.415, 351.435, 351.440, 351.458, 351.478 and 351.482, RSMo 2000, relating to corporations, and to enact in lieu thereof ten new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **SB 288**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Kinder--3	
Absent with leave--Senator Gross--1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 270, with **SCS**, introduced by Senator Schneider, entitled:

An Act relating to administrative law judges, with an effective date.

Was called from the Consent Calendar and taken up.

SCS for **SB 270**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 270

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to administrative law judges, with an effective date.

Was taken up.

Senator Klarich assumed the Chair.

Senator Schneider moved that **SCS** for **SB 270** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 270** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland--2		
Absent with leave--Senator Gross-- 1			

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 370, introduced by Senators Caskey and Goode, entitled:

An Act to repeal sections 456.012, 456.013, 456.700, 456.710, 456.720, 456.730, 456.740, 456.750, 456.760, 456.770, 456.780, 456.790, 456.800, 456.810, and 456.820, RSMo 2000, relating to trusts and estates, and to enact in lieu thereof thirty-five new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **SB 370** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Goode
House	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel--24
NAYS--Senators			
Bland	Gibbons	Jacob	Schneider--4
Absent--Senators			
Carter	Johnson	Quick	Singleton
Stoll--5			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 391** and **SB 395**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 391** and **395**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 391 and 395

An Act to repeal sections 354.603, 354.618, 376.383, 376.406 and 376.893, RSMo 2000, relating to reimbursement for health care services, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SBs 391** and **395** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **SBs 391** and **395**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 391 AND 395

An Act to repeal sections 354.603, 354.618, 376.383, 376.406 and 376.893, RSMo, 2000, relating to reimbursement for health care services, and to enact in lieu thereof eight new sections relating to the same subject.

Senator Rohrbach moved that **SS** for **SCS** for **SBs 391** and **395** be adopted.

At the request of Senator Rohrbach, **SB 391** and **SB 395**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Caskey moved that **SB 222** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 222, Page 3, Section 149.212, Line 1, by inserting after "149.212." the following: "**1.**"; and further amend line 6, by inserting after all of said line the following:

"2. Any person who sustains economic or commercial injury as a result of a violation of sections 149.200 to 149.215 may bring an action for appropriate injunctive or other equitable relief, including actual damages, if any, and, as determined by the court, interest on such damages from the date of the complaint, taxable costs and reasonable attorney's fees. If the trier of fact finds the violation egregious, the judgment may be increased

to an amount not in excess of three times the actual damages sustained."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 222**, with **SA 1** (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senators Stoll, Caskey, House, Bentley, Kenney and Westfall offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, providing public education is the primary duty of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, public school buildings in Missouri have historically been funded mainly by local funds; and

WHEREAS, the ability of school districts to pay for buildings, as measured by a district's assessed value per pupil, varies by a factor of roughly seventeen between the wealthiest and least wealthy district in this state; and

WHEREAS, the Department of Elementary and Secondary Education recently conducted a comprehensive review of school district building needs and found the existing statewide need for new construction and renovation to be in excess of four billion dollars; and

WHEREAS, public education is a labor intensive operation with roughly three-fourths of operating cost supporting salaries and benefits of staff, and most of those salaries being paid to certificated teachers; and

WHEREAS, state school operating aid has increased significantly since the passage of SB 380 in 1993; and

WHEREAS, state minimum salary requirements for teachers have not been increased to keep up with increases in the cost of living; and

WHEREAS, state cost to fully fund state school aid continues to increase significantly each year and requires funds which create hardships for other sectors of society needing access to state funds; and

WHEREAS, the adequacy and equity of funding available to public schools has again become a serious concern across the state, highlighted by the wide range of available operating funding for Missouri school districts, which ranges from \$3500 per pupil to over \$11,000 per pupil:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint interim committee on education be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study concerning all issues relating to funding for school buildings and building renovation, teachers' salaries, equity and adequacy of distribution of state school aid and overall funding levels for schools and any other education-related issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State Tax Commission, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 32**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 353**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 564**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 50** and **SCS for SB 317**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Yeckel requested unanimous consent of the Senate to correct the committee report on **SB 191** by sending up the correct version of **SCA 1**, which request was granted.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 191, Page 1, Section 77.450, Line 14, by inserting after the word "regular" the following: "**municipal**".

REFERRALS

President Pro Tem Kinder referred **SB 135**, **SB 422**, and **SB 76** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 801**, entitled:

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 309**, entitled:

An Act to repeal section 163.191, RSMo 2000, relating to allowable costs for state aid to community colleges, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 111**, entitled:

An Act to repeal sections 421.005, 421.007, 421.011, 421.022, 421.028, 421.031 and 421.034, RSMo 2000, relating to mattresses, and to enact in lieu thereof seven new sections relating to the same subject, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senators Wiggins and Kenney offered Senate Resolution No. 297, regarding Steven L. Begshaw, Lee's Summit, which was adopted.

Senator Wiggins offered Senate Resolution No. 298, regarding the One Hundredth Birthday of Catherine Bridget Allen, Kansas City, which was adopted.

On motion of Senator Kenney, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

THIRD READING OF SENATE BILLS

SB 290, with **SCS**, introduced by Senators Wiggins and DePasco, entitled:

An Act to repeal sections 86.370, 86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620, 86.675, 86.690, 86.750 and 86.780, RSMo 2000, relating to police relief and pension systems, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

SCS for **SB 290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 290

An Act to repeal sections 86.370, 86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620, 86.675, 86.690, 86.750 and 86.780, RSMo 2000, relating to police relief and pension systems, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 290** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 290** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Carter	Goode	Quick
Scott--5			
Absent with leave--Senator Gross--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

SB 264, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal sections 104.312 and 104.1051, RSMo 2000, relating to judicial division of benefits, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 264**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 264

An Act to repeal sections 104.312 and 104.1051, RSMo 2000, relating to judicial division of benefits, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **SB 264** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 264** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
House	Jacob	Johnson	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Carter	Goode	Scott
Stoll--5			

Absent with leave--Senator Gross--1

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 223, introduced by Senator Caskey, entitled:

An Act to repeal section 556.046, RSMo 2000, relating to criminal procedure, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Singleton assumed the Chair.

On motion of Senator Caskey, **SB 223** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Foster	Gibbons	House
Kenney	Kinder	Klindt	Mathewson
Quick	Russell	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--21			

	NAYS--Senators		
Bland	Dougherty	Goode	Jacob
Klarich	Loudon	Rohrbach	Schneider--8
	Absent--Senators		
Carter	Johnson	Scott	Stoll--4
	Absent with leave--Senator Gross--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 148, introduced by Senator Goode, entitled:

An Act to repeal sections 21.250 and 116.050, RSMo 2000, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 148** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Carter	Johnson	Scott	Stoll--4
Absent with leave--Senator Gross--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SB 179, introduced by Senator Rohrbach, entitled:

An Act to repeal section 443.851, RSMo 2000, relating to mortgage brokers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 179** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Carter	Scott	Stoll--3	
Absent with leave--Senator Gross--1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 220**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 220** was again taken up.

Senator Kinder moved that **SS** for **SB 220** be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SB 220** was declared perfected and ordered printed.

Senator Mathewson moved that **SB 14** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Mathewson offered **SS** for **SB 14**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 14

An Act to repeal section 221.425, RSMo 2000, relating to authorizing a sales tax for regional jail districts and associated court facilities, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date.

Senator Mathewson moved that **SS** for **SB 14** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SB 14** was declared perfected and ordered printed.

Senator Staples moved that **SB 244** be taken up for perfection, which motion prevailed.

Senator Mathewson offered **SS** for **SB 244**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 244

An Act to amend chapters 302 and 431, RSMo, by adding thereto two new sections relating to the nonpayment of goods and services.

Senator Mathewson moved that **SS** for **SB 244** be adopted, which motion prevailed.

On motion of Senator Staples, **SS** for **SB 244** was declared perfected and ordered printed.

Senator Childers moved that **SB 52** and **SB 91**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 52 and 91, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 52 and 91

An Act to repeal sections 301.010, 304.001, 304.015, 304.022, 304.180, 304.200, 304.580 and 307.375, RSMo 2000, relating to traffic regulations, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Childers moved that SCS for SBs 52 and 91 be adopted.

Senator Jacob offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 10, Section 304.001, Line 76, by adding after such line the following:

"304.010. 1. As used in this section, the following terms mean:

- (1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;
- (2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;
- (3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;
- (4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

- (1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than twenty-four thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**
- (2) Upon the rural expressways of this state, sixty-five miles per hour;
- (3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;
- (4) All other roads and highways in this state not located in an urbanized area and not provided [by] **for** in subdivisions (1) to (3) of this subsection, sixty miles per hour;
- (5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;
- (6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed

limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance. If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) The operator of any truck registered for a gross weight of more than twenty-four thousand pounds operating such vehicle at a speed in excess of seventy miles per hour shall be fined one thousand dollars.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the speeding violation."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Steelman assumed the Chair.

Senator Goode offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 10, Section 304.001, Line 76, by inserting after all of said line the following:

"304.010. 1. As used in this section, the following terms mean:

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than thirty-six thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour, **except that no truck registered for a gross weight of more than thirty-six thousand pounds shall be operated in excess of sixty miles per hour upon the rural expressways of this state;**

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour, **except that no truck registered for a gross weight of more than thirty-six thousand pounds shall be operated in excess of fifty-five miles per hour upon the interstate highways, freeways or expressways of this state;**

(4) All other roads and highways in this state not located in an urbanized area and not provided [by] **for** in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance. If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) When the operation of any truck as defined in subsection 11 of this section pleads guilty or nolo contendere to or is found guilty of operating such vehicle at a speed in excess of five miles per hour over the posted limit, the operator shall be fined fifty dollars for each mile per hour in excess of five miles per hour over the posted or legal speed limit.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the violation."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted.

At the request of Senator Childers, **SB 52** and **SB 91**, with **SCS, SA 1** and **SSA 1** for **SA 1** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 546--Pensions and General Laws.

SB 550--Judiciary.

SB 551--Aging, Families and Mental Health.

SB 552--Public Health and Welfare.

SB 553--Local Government and Economic Development.

SB 554--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 555--Commerce and Environment.

SB 556--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 557--Judiciary.

SB 558--Public Health and Welfare.

SB 559--Public Health and Welfare.

SB 560--Civil and Criminal Jurisprudence.

SB 561--Local Government and Economic Development.

SB 562--Ways and Means.

SB 563--Ways and Means.

SB 565--Transportation.

SB 566--Ways and Means.

SB 567--Ways and Means.

SB 569--Public Health and Welfare.

SB 570--Public Health and Welfare.

SB 571--Local Government and Economic Development.

SB 572--Insurance and Housing.

SB 573--Local Government and Economic Development.

SB 574--Education.

SB 575--Education.

SB 576--Education.

SB 577--Ways and Means.

SB 578--Public Health and Welfare.

SB 579--Labor and Industrial Relations.

SB 580--Labor and Industrial Relations.

SB 581--Pensions and General Laws.

SB 582--Local Government and Economic Development.

SB 583--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

SB 584--Ways and Means.

SB 585--Judiciary.

SB 587--Agriculture, Conservation, Parks and Tourism.

SB 588--Public Health and Welfare.

SB 589--Local Government and Economic Development.

SB 590--Local Government and Economic Development.

REFERRALS

President Pro Tem Kinder referred **SB 50** and **SCS** for **SB 317** to the Committee on State Budget Control.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 299, regarding Carol Voss, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 300, regarding Jake Callahan, Cedar Hill, which was adopted.

Senator Gibbons offered Senate Resolution No. 301, regarding Katie Fernandez, Kirkwood, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 6, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator James Mathewson to the Joint Committee on Economic Development Policy and Planning (RSMo 620.602).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 6, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Bill Foster to the Joint Committee on Economic Development Policy and Planning (RSMo 620.602).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 6, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator DePasco to serve on the Joint Committee on Public Employee Retirement (RSMo 21.553).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 6, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Russell to serve on the Joint Committee on Public Employee Retirement (RSMo 21.553).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 6, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Scott to serve on the Joint Committee on Public Employee Retirement (RSMo 21.553).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Vern Tobben, Washington; and Hermann and Maria Schick, Germany.

Senator DePasco introduced to the Senate, Leslie Miller-Kincaid and Angy Pyle, Kansas City.

Senator Sims introduced to the Senate, Keely Cook, Jackie Pelker, Tori McGrath, Trisha Weatherly, Kelly Marti and Nancy Costello from St. Louis University.

Senator Cauthorn introduced to the Senate, Les and Carol Runde, Mexico.

Senator Wiggins introduced to the Senate, Annette Waugh and a group of Methodist women from Grandview.

Senator Johnson introduced to the Senate, Jordan Taylor, Ellen Zubeck, Matt and Joel Nespor, Katie Lackey, Katee and Ethan McLean, Jessica Praiswater, Nikki Lemons, Connor Flynt, Gwen Brune, Dee Flynt, Diane Nespor and Pat Brune, Platte City Middle School, Platte City.

Senator Kenney introduced to the Senate, Kristin and Patricia Stueva, Independence.

Senator Dougherty introduced to the Senate, Mary Taylor and Debra Klopert, St. Louis.

Senator Stoll introduced to the Senate, Cathy Hippert and the Festus Elementary Quest Class, Festus; and Jordan Sinclair and Jeremy Dunn were made honorary pages.

Senator Bentley introduced to the Senate, Shelli Gilbert and Judy Rockafellow, Springfield.

Senator Yeckel introduced to the Senate, Sue Lopez and twenty girl scouts from St. Catherine's Parish, St. Louis; and Veronica Merz, Anne Lopez, Rachel Yanker and Melissa Stumpf were made honorary pages.

Senator Bentley introduced to the Senate, Linda Hyde, David Baker and Sandra Larkin, Springfield.

Senator Wiggins introduced to the Senate, Mrs. Ledgerwood and her son, Steven, Mrs. Fulson and her daughter, Cassie, and Kyle Mack, Raytown; and Steven, Cassie and Kyle were made honorary pages.

Senator Wiggins introduced to the Senate, Mitchell K. Herman and Matthew Borgmeyer, Jefferson City.

Senator Foster introduced to the Senate, Ben Counce, Kristi Hall, Kenny Lee, Ron Moody and twelve fourth and eighth grade students from

Caruthersville Elementary School and Caruthersville Middle School, Caruthersville; and Amanda Hudgens, Leslie Gale, Punam Patel, Brittany Kellar, Greg Chauncey, Kevin House, Plessie Ellitt, Meagan Hall, Alston Lee, Lindsey Moody, Viraj Patel and Samantha Sellers were made honorary pages.

Senator Caskey introduced to the Senate, Beth Knott and Patty Schreihof, Belton.

Senator Kenney introduced to the Senate, Teresa Turner, John Ketterman, John Jarrett and seven fourth through eighth grade students from Good Shepherd Academy, Lee's Summit; and Zach Burmaster, Taylor Higginbotham, Jessica Jarrett, Zane Ketterman, Rachel Burmaster and Ester Williamson were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-SEVENTH DAY-WEDNESDAY, MARCH 7, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 586-Klindt

SB 591-Kenney

SB 592-Caskey

SB 593-Klindt

SB 594-Klindt

SB 595-Westfall

SB 596-Loudon

SB 597-Singleton

SB 598-Singleton

SB 599-Singleton and

DePasco

SB 600-Singleton

SB 601-House and Gross

SB 602-Steelman

SB 603-Jacob

SB 604-Jacob

SRB 606-Rohrbach and

Gibbons

SB 607-Johnson

SB 608-Yeckel

SB 609-Westfall

SB 610-Westfall

SB 611-Loudon

SB 612-Loudon

SB 613-Gibbons

SB 614-Gross and House

SB 615-Foster, et al

SB 616-Steelman

SB 617-Steelman

SB 618-Yeckel

SB 620-Gibbons

SB 621-Gibbons

SB 622-Westfall

SB 623-Westfall

SB 624-Wiggins

SB 625-Stoll

SB 626-Bentley

SB 628-Jacob

SB 629-Jacob

SB 630-Bland, et al

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and

Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

THIRD READING OF SENATE BILLS

SB 32-Kinder

SB 97-Bentley

(In Budget Control)

SB 123-Kinder

SB 50-Childers

(In Budget Control)

SCS for SB 317-Stoll

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 267-Klarich and

Schneider, with SCS

2. SB 381-Klarich

3. SB 114-Loudon, with

SCS

4. SB 339-Stoll and

Childers, with SCA 1

5. SB 48-Sims, with SCS

6. SB 400-Kenney, et al

7. SB 374-Steelman, with

SCS

8. SB 239-Stoll, with SCS

9. SBs 238 & 250-Staples,
et al, with SCS

10. SB 445-Singleton,
with SCS

11. SBs 22 & 106-Singleton,
with SCS

12. SBs 214, 124, 209 &
322-Gross, et al, with SCS

13. SJR 9-Goode, et al

14. SB 438-Bentley and Stoll

15. SB 251-Kinder

16. SB 375-Steelman, with SCS

17. SB 392-Kenney and DePasco

18. SB 372-Gibbons, with SCS

19. SB 454-Kinder, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 39 & 269-Klarich and
Goode, with SCS and SS

for SCS (pending)

SBs 52 & 91-Childers,

with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 184-Johnson, et al, with

SS & SA 2 (pending)

SB 222-Caskey, with SA 1

(pending)

SB 226-Goode, et al, with SCS

SBs 253 & 260-Gross, with SCS

SBs 323 & 230-Childers,

et al, with SCS (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 2/26

SB 371-Scott

SB 316-Stoll

SB 341-Jacob, with SCS

SB 4-Wiggins, et al, with SCS

SB 383-Johnson, with SCS

(In Budget Control)

SB 430-Dougherty

SB 441-Caskey

Reported 2/27

SB 151-Childers, with SCS

SB 135-Wiggins

(In Budget Control)

SB 422-Steelman

(In Budget Control)

SB 149-Goode, with SCS

SB 76-Wiggins (In Budget
Control)

SB 234-Wiggins, with SCS

SB 416-Stoll

Reported 3/5

SBs 215 & 440-Gross, with SCS

SB 443-Staples

SB 406-Westfall

SB 407-Dougherty, with SCS

SB 421-Gross

SB 435-Goode

SB 436-Goode

SB 442-Caskey

SB 491-Rohrbach, with SCS

SB 345-House

SB 191-Goode, with SCAs 1 & 2

SB 354-Johnson and Scott,

with SCS

SB 200-Sims

SB 449-Sims

SB 393-Sims, with SCS Reported 3/6

SB 353-Johnson

SB 564-Rohrbach, et al,

with SCS RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 26-Stoll, et al

Reported from Committee

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with SCS

SCR 16-Yeckel

SCR 17-Steelman, et al

SCR 18-Goode

SCR 20-Kinder Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY--WEDNESDAY, MARCH 7, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"You will seek the Lord your God, and you will find him if you search after him with all your heart and soul." (Deuteronomy 4:29)

How grateful we are Heavenly Father, that You do not hide from us when we seek You. We thank You for Your love and Your gentle push to seek ways to serve You even here. Create in us the desire to stay within the security of Your care this day and every day. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 302

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an

opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the Senate Chamber at our State Capitol:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on March 19, 2001.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 383**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 244** and **SS** for **SB 14**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 316, introduced by Senator Stoll, entitled:

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to certain school retirement systems.

Was called from the Consent Calendar and taken up.

Senator Rohrbach assumed the Chair.

On motion of Senator Stoll, **SB 316** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Singleton--1			
Absent--Senators--None			
Absent with leave--Senators			
Bland	Jacob--2		

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 4, with **SCS**, introduced by Senator Wiggins, et al, entitled:

An Act to repeal sections 84.480 and 84.510, RSMo 2000, relating to certain police officers, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 4

An Act to repeal sections 32.056, 84.480 and 84.510, RSMo 2000, relating to certain police officers, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 4** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 4** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators			
Bland	Jacob--2		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Dougherty moved that motion lay on the table, which motion prevailed.

SB 430, introduced by Senator Dougherty, entitled:

An Act to repeal section 71.640, RSMo 2000, relating to taxation for band funds in certain municipalities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Dougherty, **SB 430** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senators			
Bland	Jacob--2		

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 383, with **SCS**, introduced by Senator Johnson, entitled:

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

Was called from the Consent Calendar and taken up.

SCS for **SB 383**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 383

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

Was taken up.

Senator Johnson moved that **SCS** for **SB 383** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 383** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims

Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Staples--2		
	Absent with leave--Senators		
Bland	Jacob--2		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

SB 371, introduced by Senator Scott, entitled:

An Act to repeal sections 104.170, 104.312, 104.330, 104.339, 104.343, 104.372, 104.374, 104.395, 104.401, 104.420, 104.450, 104.515, 104.518, 104.530, 104.600, 104.601, 104.602, 104.620, 104.1003, 104.1024, 104.1030, 104.1051, 104.1072, 104.1078, 104.1093, 226.092, 226.160 and 476.524, RSMo 2000, relating to public retirement systems, and to enact in lieu thereof twenty-seven new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 371** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Johnson	Staples--3	
	Absent with leave--Senators		
Bland	Jacob--2		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klarich moved that **SB 39** and **SB 269**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal

Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Klarich, **SS** for **SCS** for **SBs 39** and **269** was withdrawn.

Senator Klarich offered **SS No. 2** for **SCS** for **SBs 39** and **269**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 39 and 269

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof seven new sections relating to the same subject.

Senator Klarich moved that **SS No. 2** for **SCS** for **SBs 39** and **269** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 39 and 269, Page 9, Section 537.681, Line 13, of said page by deleting the letter "g" as it appears on said line and inserting in lieu thereof the letter "e"; and

Further amend said bill, page and section, line 14 of said page, by deleting the number "3" as it appears on said line and inserting in lieu thereof the number "5".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 39 and 269, Page 14, Section 537.690, Line 12, of said page, by striking the following: ", as" and further amend line 13 of said page, by striking said line and inserting in lieu thereof the following: "**by appealing, within twenty days of a final decision to the appellate court having jurisdiction in the area where the appellant resides. In such**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SS No. 2** for **SCS** for **SBs 39** and **269**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS No. 2** for **SCS** for **SBs 39** and **269**, as amended, was declared perfected and ordered printed.

Senator Klarich moved that **SB 267**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 267

An Act to repeal sections 43.503, 56.085, 67.133, 452.556, 455.040, 479.150, 482.330, 483.500, 488.426, 488.445, 514.440, 534.070, 550.120, 574.075, 575.200 and 610.105, RSMo 2000, and section 303.041 as enacted in house bill

no. 1797 by the ninetieth general assembly, second regular session and as enacted in senate bill no. 19 by the ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof sixteen new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **SB 267** be adopted.

Senator Klarich offered **SS** for **SCS** for **SB 267**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 267

An Act to repeal sections 43.503, 56.085, 67.133, 287.610, 303.025, 452.556, 455.040, 476.010, 478.610, 479.150, 482.330, 483.500, 487.020, 488.426, 488.445, 488.607, 488.5336, 490.130, 491.300, 494.410, 508.190, 534.070, 550.120, 565.030, 574.075, 575.200 and 610.105, RSMo 2000, section 303.041 as enacted by senate substitute for house substitute for house committee substitute for house bill no. 1797, ninetieth general assembly, second regular session and section 303.041 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof thirty new sections relating to the same subject, with penalty provisions.

Senator Klarich moved that **SS** for **SCS** for **SB 267** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 20, Section 476.365, Line 21 of said page, by inserting after all of said line the following:

"476.777. 1. There is hereby established in the state treasury a special fund, to be known as the "Missouri CASA Fund". The state treasurer shall credit to and deposit in the Missouri CASA fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources. The general assembly may appropriate moneys into the fund to support the court-appointed special advocate (CASA) program throughout the state.

2. The state treasurer shall invest moneys in the Missouri CASA fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the fund shall be credited to the Missouri CASA fund.

3. The state courts administrator shall administer and disburse moneys in the Missouri CASA fund based on the following requirements:

(1) The office of state courts administrator shall set aside funding for new start-up CASA programs throughout the state;

(2) Every recognized CASA program shall receive a base rate allocation, with availability of additional funding based on the number of children with abuse or neglect cases under the jurisdiction of the court; and

(3) All CASA programs being considered for funding shall be recognized by and affiliated with the state and national CASA associations.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri CASA fund

shall not revert to the credit of the general revenue fund at the end of the biennium."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 2, Section A, Line 7 of said page, by inserting immediately after said line the following:

"34.360. Sections 34.360 to 34.371 of this act may be known and may be cited as the "Private Attorney Retention Act".

34.363. For the purposes of sections 34.360 to 34.371, a contract is a contract or contracts in which the fee paid to an attorney or group of attorneys, either in the form of a flat, hourly, or contingent fee, and their expenses, exceeds or can be reasonably expected to exceed one hundred thousand dollars in any fiscal year.

34.369. No state agency shall enter into a contract or contracts for legal services or encumber on behalf of any such contract or contracts in an amount exceeding one hundred thousand dollars in any fiscal year without a specific appropriation for that purpose.

34.371. At the conclusion of any legal proceeding for which a state agency retained outside counsel on a contingent fee basis, the state agency shall receive from counsel a statement of the hours worked on the case, expenses incurred, the aggregate fee amount, and a breakdown as to the hourly rate, based on hours worked divided into fee recovered, less expenses. Each state agency shall transmit the information to the office of administration on October 1 for the preceding fiscal year and the office of administration shall submit a report to the general assembly before January 1, annually."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 39, Section 610.105, Line 19, by inserting immediately after said line the following:

"610.120. 1. Records required to be closed or sealed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507, RSMo. They shall be available to the sentencing advisory commission created in section 558.019, RSMo, for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, department of revenue for driving record purposes, facilities as defined in section 198.006, RSMo, in-home services provider agencies as defined in section 660.250, RSMo, the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, RSMo, and federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed or sealed such records to certain agencies or for certain purposes. All records which are closed or sealed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held

confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

2. As used in this section, the term "child care" includes providers and youth services agencies as those terms are defined in section 43.540, RSMo, elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

610.122. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503, RSMo, may be expunged if the court determines that:

(1) The arrest was based on false information and the following conditions exist:

[(1)] (a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

[(2)] (b) No charges will be pursued as a result of the arrest;

[(3)] (c) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions **or suspended impositions of sentence and there are no pending criminal investigations regarding the arrest;**

[(4)] (d) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; and

[(5)] (e) No civil action is pending relating to the arrest or the records sought to be expunged; **or**

(2) No criminal charges have been filed against the subject of the arrest within ten years from the date of such arrest.

610.130. Sections 610.130 to 610.140 may be cited as the "Missouri Rehabilitation and Sealed Records Act".

610.132. For the purposes of sections 610.130 to 610.140, the following terms mean:

(1) "Sex-related offense", any crime defined in chapter 566, RSMo, section 568.020, RSMo, subdivision (2) of subsection 1 of section 568.045, RSMo, subdivision (2) of subsection 1 of section 568.060, RSMo, section 568.080, RSMo, or section 568.090, RSMo; and

(2) "Violent felony", any crime punishable as a class A felony, any intentional act punishable as a class B felony, or any crime in which a deadly weapon, as defined in section 556.061, RSMo, was used or displayed.

610.134. A person who has pled guilty to or been found guilty of no more than one felony nor more than two misdemeanors may petition the circuit court to have such person's record, including juvenile records, sealed, if the person:

(1) Has not pled guilty to or been found guilty of a misdemeanor or pled guilty to or been found guilty of a felony for at least ten consecutive years, after being discharged from probation or released from incarceration;

(2) Is not currently on probation or parole;

(3) Has not pled guilty to or been found guilty of a violent felony;

(4) Has not pled guilty to or been found guilty of a sex-related offense;

(5) Has not pled guilty to or been found guilty of any offense of distributing a controlled substance as described in chapter 195, RSMo, and punishable as a class A or B felony;

(6) Has not previously petitioned to have such person's records sealed pursuant to the provisions of sections 610.130 to 610.140;

(7) Has not been convicted, as that term is defined in section 302.700, RSMo, for the operation of a commercial motor vehicle, as defined in section 302.700, RSMo, with a blood alcohol content of at least four-hundredths of one percent; and

(8) Is at least twenty-five years of age.

610.136. If the court finds that a person has met the requirements of section 610.134, the court may in the court's discretion after considering the totality of the circumstances set aside all verdicts or findings of guilty and allow the petitioner to withdraw all pleas of guilty and may dismiss with prejudice all cases against the petitioner, and may order all criminal and juvenile records of the petitioner to be sealed. Notwithstanding any other provision of law to the contrary, such petitioners waive all rights of being employed by any Missouri-licensed gambling operation. If the petitioner is arrested for committing any crime, other than minor traffic offenses, during the pendency of the action filed pursuant to the provisions of sections 610.130 to 610.140, the court shall stay such action until the resolution of any indictment or information filed pursuant to such arrest.

610.138. 1. A person who knowingly fails to seal, or knowingly releases records or information which have been ordered sealed pursuant to sections 610.130 to 610.140, is guilty of a class B misdemeanor.

2. A person who uses records or information for financial gain, knowing that such records or information have been ordered sealed pursuant to sections 610.130 to 610.140, is guilty of a class D felony.

610.140. 1. The sealing of any record pursuant to the provisions of sections 610.130 to 610.140 shall not reflect on the validity of the arrest or conviction and shall not be construed to indicate a lack of probable cause for the arrest.

2. The petitioner shall not bring any action subsequent to the sealing against any law enforcement officer or law enforcement agency relating to the arrest or conviction described in the sealed records.

3. Neither the public nor law enforcement agencies shall have access to records sealed pursuant to sections 610.130 to 610.140."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Klarich, **SB 267**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 431**, entitled:

An Act to repeal section 190.500, RSMo 2000, relating to health care licensure, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 202**, entitled:

An Act to repeal sections 238.207, 238.216, 238.220, 238.235 and 238.252, RSMo 2000, relating to transportation development districts, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 129**, entitled:

An Act to amend chapter 136, RSMo, relating to collection of state taxes by adding thereto one new section relating to government contracts for the examination of taxpayer records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 157**, entitled:

An Act to repeal sections 193.185 and 451.080, RSMo 2000, relating to marriage licenses, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 303, regarding Ms. Patricia D. Reynolds, Kansas City, which was adopted.

Senator Jacob offered Senate Resolution No. 304, regarding Ms. Connie Fenton, Columbia, which was adopted.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

THIRD READING OF SENATE BILLS

SB 441, introduced by Senator Caskey, entitled:

An Act to repeal section 95.280, RSMo 2000, relating to cities of the third classification, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 441** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Scott	Staples	Steelman	Wiggins
Yeckel--21			
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Carter	Childers
Goode	Johnson	Rohrbach	Russell
Schneider	Sims	Singleton	Stoll
Westfall--13			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 341, with **SCS**, introduced by Senator Jacob, entitled:

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 341**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 341

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **SB 341** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **SB 341** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick

Scott	Staples	Steelman	Wiggins
Yeckel--21			

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Carter	Childers
Goode	Johnson	Rohrbach	Russell
Schneider	Sims	Singleton	Stoll
Westfall--13			

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 234, with **SCS**, introduced by Senator Wiggins, entitled:

An Act to repeal section 144.010, RSMo 2000, relating to sales tax of telecommunication services, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 234**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 234

An Act to repeal section 144.010, RSMo 2000, relating to sales tax on telecommunication services, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 234** be adopted, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Wiggins, **SCS** for **SB 234** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Scott
Staples	Steelman	Westfall	Wiggins
Yeckel--25			

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Carter	Johnson
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 149, with **SCS**, introduced by Senator Goode, entitled:

An Act to repeal section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session and section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to motor vehicle emissions inspections in certain counties without a charter form of government, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 149**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 149

An Act to repeal section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session and section 643.315, RSMo 2000, relating to motor vehicle emissions requirements, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Goode moved that **SCS** for **SB 149** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 149** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Carter	Schneider--3	

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klarich moved that **SB 267**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 37, Section 565.030, Line 29 of said page, by inserting the word "**continual**" immediately after the word "**with**" on said line; and

Further amend said bill, section 565.030, Pages 37 and 38, Lines 29 and 1 of said pages by deleting the words "**systemic and pervasive**" as it appears on said line; and

Further amend said section and bill, Page 37, Line 23, by striking the word "trail" and inserting in lieu thereof the word "**trial**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 7, Section 67.133, Line 9, by inserting immediately after said line the following:

"210.140. Any legally recognized privileged communication, except that between attorney and client **or involving communications made to a minister or clergyperson**, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect."; and

Further amend the title and enacting clause of said bill accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 39, Section 610.105, Line 19,

by inserting immediately after said line the following:

"Section 1. Any evidence leading to a conviction of a felony described in subsection 1 of section 650.055 which has been or can be tested for DNA shall be preserved by the Missouri state highway patrol."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 32, Section 494.410, Line 19, by deleting the brackets on lines 19 and 20.

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 7** was withdrawn.

Senator Klarich moved that **SS** for **SCS** for **SB 267**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **SB 267**, as amended, was declared perfected and ordered printed.

Senator Klarich moved that **SB 381** be taken up for perfection, which motion prevailed.

On motion of Senator Klarich, **SB 381** was declared perfected and ordered printed.

Senator Loudon moved that **SB 114**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 114**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114

An Act to repeal sections 288.040 and 288.050, RSMo 2000, relating to employment security, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS** for **SB 114** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 114**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114

An Act to repeal sections 288.040 and 288.050, RSMo 2000, relating to employment security, and to enact in lieu thereof two new sections relating to the same subject.

Senator Loudon moved that **SS** for **SCS** for **SB 114** be adopted.

Senator Klarich assumed the Chair.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 4, Section 288.040, Line 15, by adding after the word "work" the words: "upon a finding that drug use materially effected the performance of the work."; and amend Section 288.050, Pages 13 and 14, by striking the language in subsection (2) appearing therein.

Senator Schneider moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 4, Section 288.040, Line 13, by adding after the word "for" the following: "illegal use of".

Senator Loudon moved that the above substitute amendment be adopted.

Senator Rohrbach assumed the Chair.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

Senator Loudon requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Foster, Stoll and Westfall.

At the request of Senator Loudon, **SB 114**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SCR 26** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 220** and **SS No. 2** for **SCS** for **SBs 39** and **269**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 305, regarding Ben Riggins, St. James, which was adopted.

Senator Westfall offered Senate Resolution No. 306, regarding the death of William David Hawkins, Las Vegas, Nevada, which was adopted.

Senator Schneider offered Senate Resolution No. 307, regarding Margaret Klitzing, Florissant, which was adopted.

Senator Gibbons offered Senate Resolution No. 308, regarding Matthew Timothy Gannon, Des Peres, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 7, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Bill Foster to serve as Vice-Chairman of the Joint Committee on Economic Development Policy and Planning (RSMo 620.602).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Jennie May and students from Hickman Mills High School, Kansas City.

Senator Sims introduced to the Senate, Ms. Jamie Markus, Ms. Renee Hale, Mr. Mel Schneider, Mr. and Mrs. Chech and students from Holman Accelerated Elementary School, Berkeley; and Suron Clark, Alexia Chech, Amber Greene, Destine Higgins, Charon Robinson, Doneisha Carter, Heather Brown, Vernon Thomas, Jocelyn Lawrence, Jarell Futrell, Shena and Cody Chech were made honorary pages.

Senator Loudon introduced to the Senate, Karen Dapron, Kelly, Mark and Melissa Gilmer, Jessica Davis and Mayme Fetsch, Maryland Heights.

Senator Kinder introduced to the Senate, Doug Hunt, Perryville; Doug Watson, Cape Girardeau; and Steve Green, Farmington.

Senator Sims introduced to the Senate, Mr. Schneider, Berkeley.

On behalf of Senator Gross and himself, Senator House introduced to the Senate, Diane Hagan, Angie Brandt, Kay

Hoffmeister and fourth grade students from Willie Harris Elementary School, St. Charles.

Senator Gibbons introduced to the Senate, Katie and Lynn Fernandez, Meredith Albers and Jan Schuster, Kirkwood.

Senator Caskey introduced to the Senate, Tracey Scavuzzo, Kari Bliss and thirty-three tenth through twelfth grade students from Harrisonville R-9 School, Harrisonville.

Senator Sims introduced to the Senate, Christine Chadwick, Marianne Fournie, Julie Echstein and Midge Crider, St. Louis.

Senator Westfall introduced to the Senate, his wife, Sharon, and their grandson, Cody Ray Westfall, Halfway; and Cody Ray was made an honorary page.

Senator Loudon introduced to the Senate, his father, Bob Loudon, and his brothers, Dave and Tom Loudon, Ballwin.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Ben Lampert, M.D., Springfield.

Senator Johnson introduced to the Senate, Pam Canterbury and seven students from St. Joseph Youth Academy, St. Joseph; and Joanna Clark, Andy Doran, Michelle Lucy, Lindsey Hoerath, Jesse Swafford, Trevor Estes and Kristen Thomsen were made honorary pages.

Senator Bland introduced to the Senate, Mrs. Johnson and students from Benjamin Bennaker Elementary School, Kansas City; and Tracey Johnson, Tiana Ellis, LaMesha Brown, Vanessa Watson and Torrance Evans were made honorary pages.

Senator Singleton introduced to the Senate, Gary Philpot and Jerry Hickenbottom, Joplin.

Senator DePasco introduced to the Senate, Mary Therese, Gene and Terry Carroll, Kansas City.

Senator Bentley introduced to the Senate, Kathleen Faddis, Dot Powell, Ray Adams, Stacey Massey and Ray Irwin, Springfield.

Senator Staples introduced to the Senate, Ted Taylor, Thayer.

Senator Sims introduced to the Senate, Girl Scout Leadership from around the state.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

THIRTY-EIGHTH DAY-THURSDAY, MARCH 8, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 586-Klindt

SB 591-Kenney

SB 592-Caskey

SB 593-Klindt

SB 594-Klindt

SB 595-Westfall

SB 596-Loudon

SB 597-Singleton

SB 598-Singleton

SB 599-Singleton and

DePasco

SB 600-Singleton

SB 601-House and Gross

SB 602-Steelman

SB 603-Jacob

SB 604-Jacob

SRB 606-Rohrbach and

Gibbons

SB 607-Johnson

SB 608-Yeckel

SB 609-Westfall

SB 610-Westfall

SB 611-Loudon

SB 612-Loudon

SB 613-Gibbons

SB 614-Gross and House

SB 615-Foster, et al

SB 616-Steelman

SB 617-Steelman

SB 618-Yeckel

SB 620-Gibbons

SB 621-Gibbons

SB 622-Westfall

SB 623-Westfall

SB 624-Wiggins

SB 625-Stoll

SB 626-Bentley

SB 628-Jacob

SB 629-Jacob

SB 630-Bland, et al

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and

Campbell

HB 157-Hosmer

THIRD READING OF SENATE BILLS

1. SB 32-Kinder

2. SB 97-Bentley

(In Budget Control)

3. SB 123-Kinder

4. SB 50-Childers

(In Budget Control)

5. SCS for SB 317-Stoll

(In Budget Control)

6. SS for SB 244-Staples

7. SS for SB 14-Mathewson

8. SS for SB 220-Kinder

9. SS#2 for SCS for SBs 39 &

269-Klarich

SENATE BILLS FOR PERFECTION

1. SB 339-Stoll and

Childers, with SCA 1

2. SB 48-Sims, with SCS

3. SB 400-Kenney, et al

4. SB 374-Steelman, with

SCS

5. SB 239-Stoll, with SCS

6. SBs 238 & 250-Staples,

et al, with SCS

7. SB 445-Singleton,

with SCS

8. SBs 22 & 106-

Singleton, with SCS

9. SBs 214, 124, 209 &

322-Gross, et al,

with SCS

10. SJR 9-Goode, et al

11. SB 438-Bentley and Stoll

12. SB 251-Kinder

13. SB 375-Steelman, with SCS

14. SB 392-Kenney and

DePasco

15. SB 372-Gibbons, with SCS

16. SB 454-Kinder, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 52 & 91-Childers,

with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS & SA 2

(pending)

SB 222-Caskey, with SA 1

(pending)

SB 226-Goode, et al, with SCS

SBs 253 & 260-Gross, with SCS

SBs 323 & 230-Childers,

et al, with SCS (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 2/27

SB 151-Childers, with SCS

SB 135-Wiggins

(In Budget Control)

SB 422-Steelman

(In Budget Control)

SB 76-Wiggins

(In Budget Control)

SB 416-Stoll

Reported 3/5

SBs 215 & 440-Gross,

with SCS

SB 443-Staples

SB 406-Westfall

SB 407-Dougherty, with SCS

SB 421-Gross

SB 435-Goode

SB 436-Goode

SB 442-Caskey

SB 491-Rohrbach, with SCS

SB 345-House

SB 191-Goode, with SCAs 1 & 2

SB 354-Johnson and Scott,

with SCS

SB 200-Sims

SB 449-Sims

SB 393-Sims, with SCS

Reported 3/6

SB 353-Johnson

SB 564-Rohrbach, et al,

with SCS

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 8-Caskey

SCR 10-Staples

SCR 13-Foster

SCR 14-Mathewson, with

SCS

SCR 16-Yeckel

SCR 17-Steelman, et al

SCR 18-Goode

SCR 20-Kinder

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,
with HCS
(Senate requests House
recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-EIGHTH DAY--THURSDAY, MARCH 8, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"All the ends of the earth shall remember and turn to the Lord; and all the families of the nations shall worship before him." (Psalm 22:27)

Almighty God, as we conclude this week we are mindful of the mission we have to all Your people and what we can assist with here in Missouri. Let us experience Your claiming Word on us as well as others and express that love as You would have us perform it. And we pray for Doris Mathewson as she undergoes surgery this morning - guide the hand and mind of the surgeons and those who care for her. And may Your healing touch and power bring her a fast recovery. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Mathewson--1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senators Goode and Russell offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, it is in the best interest of the State of Missouri, as an employer, to recruit and retain a high performance workforce; and

WHEREAS, the State of Missouri has established a benefits policy that encourages employees to continue in state employment with a career goal of 30 years of state service; and

WHEREAS, the State of Missouri has adopted specific benefit incentives associated with achieving this objective, which include:

- a) Creating a comprehensive benefits package that is externally competitive with the marketplace, and that is internally equitable;
- b) Implementing a benefits package that provides employees with options for meeting their individual and family needs, and yet assures that basic levels of health care coverage will be maintained;
- c) Ensuring equitable employer contributions for health care coverage for all state employees, retirees and dependents that assures high quality care in a cost-effective manner; and
- d) Allowing career state employees to maintain a reasonable standard of living at retirement; and

WHEREAS, achieving benefit equity and adequacy in the retiree health care area necessitates a subsidy which is dependent upon the length of state service rendered by former employees; and

WHEREAS, such state subsidy for retiree medical coverage would ensure that quality health care services are available to both the highest and lowest paid former employees:

NOW THEREFORE BE IT RESOLVED by the Missouri Senate, the House of Representatives concurring therein, that the State of Missouri hereby wishes to reward employees who make a career of state service through equitable retiree health care subsidies; and

BE IT FURTHER RESOLVED that, within the constraints of the available appropriations, the state contribution for medical coverage for retirees should be based upon a formula that has a direct relationship between the amount of the state subsidy and each retiree's length of service with the state, provided that any subsidy for retiree dependent coverage should be based upon a similar formula, but should not exceed the average state subsidy provided for dependents of active employees; and

BE IT FURTHER RESOLVED that former state employees who retired prior to the effective date of this policy may receive a state subsidy, depending on Medicare eligibility and available appropriations, of no less than the dollar amount subsidy resulting from the amount appropriated to the plan for calendar year 2001; and

BE IT FURTHER RESOLVED that it is recommended that the health care coverage for state retirees be based upon a service-based subsidy rate formula subject to available appropriations and is consistent with the goals that are established in the state's retirement plans.

THIRD READING OF SENATE BILLS

SB 151, with **SCS**, introduced by Senator Childers, entitled:

An Act to amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

Was called from the Consent Calendar and taken up.

SCS for **SB 151**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 151

An Act to amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

Was taken up.

Senator Childers moved that **SCS** for **SB 151** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 151** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senator Mathewson--1			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Peter N. Brown, as a member of the Tourism Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Russell moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of George A. Lodes, as a member of the Elevator Safety Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Yeckel moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Ernie Brown, as a member of the Air Conservation Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Kinder moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Dana Katherine Martin, as Director of the Department of Social Services, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rohrbach moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Nanci A. Bobrow, as a member of the Children's Trust Fund Board, begs leave to report that it has considered the same and

recommends that the Senate do give its advice and consent to said appointment.

Senator Dougherty moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of George A. Pipes, D.O., as a member of the State Board of Registration for the Healing Arts, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Elizabeth K. Grove, as a member of the Safe Drinking Water Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Childers assumed the Chair.

RESOLUTIONS

Senator House offered Senate Resolution No. 309, regarding Rose Mundwiller, St. Peters, which was adopted.

Senators Wiggins and Jacob offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 310

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize a remarkable Missourian whose strong commitment and steadfast dedication to public service have earned him the respect and admiration of all his fellow citizens; and

WHEREAS, Roger B. Wilson, an esteemed resident of Columbia, Missouri, has been selected as the proud recipient of the 2000-2001 Citizen of the Year award, a tremendous honor bestowed upon him by Columbia Lodge #594 Benevolent and Protective Order of Elks; and

WHEREAS, a strong advocate of issues affecting education, the elderly, and the disabled, Roger Wilson received the Citizen of the Year award because of his continuous display of the Order's cardinal principles of Charity, Justice, Brotherly Love, and Fidelity while diligently representing the citizenry of Columbia, Boone County, and the entire Show-Me State; and

WHEREAS, Roger Wilson is greatly admired for his establishment of and subsequent work with The Missouri 10-33 Benevolent Foundation, Inc., a non-profit corporation created to provide financial assistance to families of public safety and law enforcement officers who have died in the line of duty; and

WHEREAS, Roger Wilson has received various other coveted awards and accolades that include the St. Louis Globe-Democrat Meritorious Public Service Award, the National Conference of State Legislatures Distinguished Legislator Award, and the 1977 American Legion Department of Missouri Legislative Award, just to name a few; and

WHEREAS, Mr. Wilson boasts an impressive record of achievement that includes the important roles he played as Boone County Collector, State Senator of the 19th District, Lieutenant Governor, and Governor of the State of Missouri, the responsibilities of which high office he assumed following the tragic death of Governor Mel Carnahan on October 16, 2000; and

WHEREAS, it is entirely fitting and proper that this legislative body should pay tribute to Roger Wilson, an outstanding individual and dedicated public servant whose unwavering commitment to his community, state, and nation continues to serve as an inspiration to all those who know and love him:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in extending our most hearty and robust congratulations to Roger Wilson at this proud moment of well-deserved distinction, and in wishing him only the very best of success in all his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for 2000-2001 Citizen of the Year, Roger B. Wilson of Columbia.

REFERRALS

President Pro Tem Kinder referred **SS** for **SB 220** and **SS No. 2** for **SCS** for **SBs 39** and **269** to the Committee on State Budget Control.

CONCURRENT RESOLUTIONS

Senator Caskey moved that **SCR 8** be taken up for 3rd reading and final passage, which motion prevailed.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 8, Page 1, Line 21, by adding after the end of said line the following:

"Be it further resolved that the recognition in no way is intended to aid in enabling establishment of any tribal casinos in Missouri, and if used in such manner this resolution is of no force and effect; and".

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 1** was withdrawn.

Senator Rohrbach offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Concurrent Resolution No. 8, Page 1, Line 19, by adding after the end of said line the following:

"Be it further resolved that this recognition is in no way intended to aid in any way in enabling establishment of any tribal casinos or in earning gaming approval of any kind, and if so used this resolution is of no force and effect; and".

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Caskey, **SCR 8**, with **SA 2** (pending), was placed on the Resolution Calendar.

Senator Staples moved that **SCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Staples, **SCR 10** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			

Absent--Senators

Singleton--2

Absent with leave--Senator Mathewson--1

Dougherty

Senator Foster moved that **SCR 13** be taken up for adoption, which motion prevailed.

Senator Foster offered **SS** for **SCR 13**:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the United States Fish and Wildlife Service has recommended that the United States Army Corps of Engineers implement the so-called "spring rise-split season" plan for operation of the Missouri River mainstem reservoir system; a plan which would result in an increase in the flow of the Missouri River in the spring, and a reduction of the flow in the summer of each year, purportedly to improve habitat for the threatened and endangered pallid sturgeon, least tern and piping plover; and

WHEREAS, additional changes under consideration by the United States Army Corps of Engineers to the Missouri River Master Manual would result in the storage of more water in the upstream reservoirs while decreasing the amount of water available downstream for designated uses, and these changes would shorten the navigation season on the Missouri River by twenty-seven days in November and put at risk Mississippi River navigation as well; and

WHEREAS, analysis of the proposed changes by the state of Missouri and the United States Army Corps of Engineers has indicated these changes will fail to improve and will potentially diminish habitat for the species in question, will increase the risk of flooding along the Missouri River, will result in a decrease in river levels in early summer and fall which will impact navigation and other designated uses on the Missouri and Mississippi Rivers; and

WHEREAS, habitat restoration along the lower Mississippi River has demonstrated great success in aiding the recovery of these species and a similar approach should be given the opportunity to succeed on the Missouri River; and

WHEREAS, these plans have the potential for severe impact on any industry which uses the Missouri River or Mississippi River to transport products and the potential increase risk of flooding in river communities and on farm land in the Missouri and lower Mississippi River basins; and

WHEREAS, these proposals do not adequately address the concerns and needs of states in the lower Missouri and Mississippi River basin, and will not realize the purported benefit of increasing habitat for endangered species; and

WHEREAS, the Missouri departments of natural resources, conservation and transportation have opposed these plans and have informed the Fish and Wildlife Service and the United States Army Corps of Engineers of their concerns regarding the potential impact on the state's river communities, lands, businesses and wildlife habitat:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor to protest against any proposals that would so negatively impact beneficial uses of the lower Missouri Mississippi Rivers and would not significantly improve conditions for the species of concern; and

BE IT FURTHER RESOLVED that the members of the General Assembly urge the Department of Natural Resources, the Department of Conservation and the Department of Transportation to continue to insist that any plan involving the operations of the Missouri River improve the Missouri River for all beneficial uses and be sure any river management changes consider all based on sound science; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the Governor of Missouri, the Director of the Department of Natural Resources, the Director of the Department of Conservation and the Director of Transportation.

Senator Foster moved that **SS** for **SCR 13** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder

Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Staples--2		
	Absent with leave--Senator Mathewson--1		

Senator Yeckel moved that **SCR 16** be taken up for adoption, which motion prevailed.

On motion of Senator Yeckel, **SCR 16** was adopted by the following vote:

	YEAS--Senators		
Bland	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Bentley--1		
	Absent with leave--Senator Mathewson--1		

Senator Goode moved that **SCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **SCR 18** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senator Rohrbach--1		
	Absent--Senators		
Dougherty	Johnson	Schneider--3	
	Absent with leave--Senator Mathewson--1		

Senator Kinder moved that **SCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator Kinder, **SCR 20** was adopted by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich

Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Bland--1		
	Absent--Senator Dougherty--1		
	Absent with leave--Senator Mathewson--1		

THIRD READING OF SENATE BILLS

SB 32, introduced by Senator Kinder, entitled:

An Act to repeal section 162.790, RSMo 2000, relating to state funding for the education of certain disabled students, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Kinder, **SB 32** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Mathewson--1

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 123, introduced by Senator Kinder, entitled:

An Act to repeal section 21.750, RSMo 2000, relating to rights of political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Kinder, **SB 123** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Kenney	Kinder	Klarich	Klindt

Loudon	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Yeckel--22		
	NAYS--Senators		
Bland	Carter	DePasco	Dougherty
Goode	Jacob	Johnson	Quick
Schneider	Scott	Wiggins--11	
	Absent--Senators--None		
	Absent with leave--Senator Mathewson--1		

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SS for **SB 244**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 244An Act to amend chapters 302 and 431, RSMo, by adding thereto two new sections relating to the nonpayment of goods and services.

Was taken up by Senator Staples.

On motion of Senator Staples, **SS** for **SB 244** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Jacob--1		
	Absent with leave--Senator Mathewson--1		

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 80**, entitled:

An Act to amend chapter 70, RSMo, relating to multijurisdictional antifraud enforcement, by adding thereto four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 50**, entitled:

An Act to repeal section 167.645, RSMo 2000, relating to promotion of students, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 194**, entitled:

An Act to repeal sections 173.260, 174.450, 174.610, 174.620 and 175.021, RSMo 2000, relating to certain institutions of higher education, and to enact in lieu thereof fourteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 287**, entitled:

An Act to amend chapter 221, RSMo, by adding thereto five new sections relating to jails and jailers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 218**, entitled:

An Act to repeal sections 172.037, 172.360, 174.610, 174.620, 175.020 and 175.021, RSMo 2000, relating to public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 591--Local Government and Economic Development.

SB 592--Judiciary.

SB 593--Interstate Cooperation.

SB 594--Appropriations.

SB 595--Education.

SB 596--Labor and Industrial Relations.

SB 597--Public Health and Welfare.

SB 598--Education.

SB 600--Public Health and Welfare.

SB 601--Local Government and Economic Development.

SB 602--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 603--Education.

SB 604--Ways and Means.

SRB 606--Rules, Joint Rules, Resolutions and Ethics.

SB 607--Education.

SB 608--Civil and Criminal Jurisprudence.

SB 609--Civil and Criminal Jurisprudence.

SB 610--Local Government and Economic Development.

SB 611--Transportation.

SB 612--Transportation.

SB 613--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 614--Education.

SB 615--Agriculture, Conservation, Parks and Tourism.

SB 616--Education.

SB 617--Local Government and Economic Development.

SB 618--Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 620--Ways and Means.

SB 621--Ways and Means.

SB 622--Civil and Criminal Jurisprudence.

SB 623--Transportation.

SB 624--Local Government and Economic Development.

SB 625--Local Government and Economic Development.

SB 626--Local Government and Economic Development.

SB 628--Judiciary.

SB 629--Civil and Criminal Jurisprudence.

SB 630--Education.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 193**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which were referred **SB 459**, **SB 305**, **SB 396** and **SB 450**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 69** and **SB 458**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 68**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 68, Page 4, Section 163.031, Line 110, by inserting after "district" the following: "**which levies, in the current year, an equalized, adjusted operating levy for school purposes which is no less than two dollars and seventy-five cents per one hundred dollars assessed valuation**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 68, Page 4, Section 163.031, Line 111, by striking "1992-93" and inserting in lieu thereof the following: "**2000-01**"; and further amend lines 115-116, by striking "1992-93" and inserting in lieu thereof the following: "**2000-01**".

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 60**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **SB 347** and **SB 487**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 385**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 331**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 5** and **SB 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 373**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 433** and **SB 248**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 462**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 428**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 27**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 25, Page 386 of the Senate Journal for Thursday, March 1, 2001, Column 1, Line 16 of said column, by striking the word "either".

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 16**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 381**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 311, regarding Rolla Middle School, which was adopted.

Senator Steelman offered Senate Resolution No. 312, regarding Rolla High School, which was adopted.

Senator Klindt offered Senate Resolution No. 313, regarding Tom Mock, Trenton, which was adopted.

Senator Scott offered Senate Resolution No. 314, regarding Sergeant James R. Wurm, St. Louis, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Wayne Goode to serve on the Joint Committee on Capital Improvements and Leases Oversight (RSMo 21.530).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator John T. Russell to serve on the Joint Committee on Capital Improvements and Leases Oversight (RSMo 21.530). Senator Russell will serve as Chairman of this committee.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Larry Rohrbach to serve as Vice-Chairman on the Joint Committee on Public Employee

Retirement (RSMo 21.553).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby reappointing Senator Ronnie DePasco to serve on the Joint Committee on Corrections (RSMo 21.440).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing the "Select" Committee on Redistricting to consist of the following members:

Senator David Klindt, Chairman

Senator Mike Gibbons, Vice-Chairman

Senator Bill Foster, Member

Senator Steve Stoll, Member

Senator Harry Wiggins, Member

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

March 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Ed Quick to serve on the Joint Committee on Corrections (RSMo 21.440).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Senator Kenney submitted the following:

March 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol Building

Jefferson City, MO 65101

Dear Ms. Spieler:

In accordance with the provisions of Senate Rule 45, I request that the following bills be removed from the consent calendar and returned to their respective committees.

Those bills are as follows:

SCS for SBs 215 & 440

SB 406

SB 421

SCS for SB 564

Thank you for your attention to this matter.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Also,

March 8, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the Senate Republican Caucus.

A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Senator Roseann Bentley

Senator Doyle Childers

Senator Michael R. Gibbons

Senator Bill Kenney

Senator David Klarich

Senator John Loudon

Senator John T. Russell

Senator Marvin Singleton

Senator Morris Westfall

Senator John Cauthorn

Senator Bill Foster

Senator Chuck Gross

Senator Peter Kinder

Senator David Klindt

Senator Larry Rohrbach

Senator Betty Sims

Senator Sarah H. Steelman

Senator Anita Yeckel

INTRODUCTIONS OF GUESTS

Senator Childers introduced to the Senate, Cy Murray, Kimberling City.

Senator Singleton introduced to the Senate, teachers and students from South Middle School, Neosho.

Senator House introduced to the Senate, Frank Thouvenot and seventy fourth grade students from Living Word Christian School, St. Charles County.

Senator Steelman introduced to the Senate, fourth grade students from Newburg Elementary School, Newburg.

Senator Schneider introduced to the Senate, Rachel Szydlowski, teacher and Kristen Harvey, Amber Chipp, Audrey Menke and Kadeem McBean, students from Brown Elementary School, Florissant.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Judy Miles, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, March 12, 2001.

SENATE CALENDAR

THIRTY-NINTH DAY-MONDAY, MARCH 12, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 586-Klindt

SB 599-Singleton and DePasco HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and

Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and

Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and Campbell

HB 157-Hosmer

HB 80-Ross

HCS for HB 50

HCS for HB 194

HS for HB 287-Williams

HB 218-Farnen, et al THIRD READING OF SENATE BILLS

SB 97-Bentley

(In Budget Control)

SB 50-Childers

(In Budget Control)

SCS for SB 317-Stoll

(In Budget Control)

SS for SB 14-Mathewson

SS for SB 220-Kinder

(In Budget Control)

SS#2 for SCS for

SBs 39 & 269-Klarich

(In Budget Control)

SB 381-Klarich

SENATE BILLS FOR PERFECTION

1. SB 339-Stoll and

Childers, with SCA 1

2. SB 48-Sims, with SCS

3. SB 400-Kenney, et al

4. SB 374-Steelman, with SCS

5. SB 239-Stoll, with SCS

6. SBs 238 & 250-Staples,

et al, with SCS

7. SB 445-Singleton, with SCS

8. SBs 22 & 106-

Singleton, with SCS

9. SBs 214, 124, 209 &

322-Gross, et al, with SCS

10. SJR 9-Goode, et al

11. SB 438-Bentley and Stoll

12. SB 251-Kinder

13. SB 375-Steelman, with SCS

14. SB 392-Kenney and DePasco

15. SB 372-Gibbons, with SCS

16. SB 454-Kinder, with SCS

17. SB 193-Rohrbach

18. SBs 459, 305, 396 &

450-Westfall, with SCS

19. SBs 69 & 458-Gross,

with SCS

20. SB 68-Gross and House,

with SCAs 1 & 2

21. SB 60-Steelman, with SCS

22. SBs 347 & 487-Caskey,

with SCS

23. SB 385-Mathewson

24. SB 331-DePasco, et al,

with SCS

25. SBs 5 & 21-Wiggins,

et al, with SCS

26. SB 373-Gibbons and

Yeckel, with SCS

27. SBs 433 & 248-Kinder

and Gross, with SCS

28. SB 462-Westfall

29. SB 428-Loudon

30. SB 27-Johnson and

Westfall, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 52 & 91-Childers,

with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS & SA 2 (pending)

SB 222-Caskey, with SA 1

(pending)

SB 226-Goode, et al, with SCS

SBs 253 & 260-Gross, with SCS

SBs 323 & 230-Childers,

et al, with SCS (pending)

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 2/27

SB 135-Wiggins

(In Budget Control)

SB 422-Steelman

(In Budget Control)

SB 76-Wiggins

(In Budget Control)

SB 416-Stoll

Reported 3/5

SBs 215 & 440-Gross, with SCS

SB 443-Staples

SB 406-Westfall

SB 407-Dougherty, with SCS

SB 421-Gross

SB 435-Goode

SB 436-Goode

SB 442-Caskey

SB 491-Rohrbach, with SCS

SB 345-House

SB 191-Goode, with SCAs 1 & 2

SB 354-Johnson and Scott,

with SCS

SB 200-Sims

SB 449-Sims

SB 393-Sims, with SCS Reported 3/6

SB 353-Johnson

SB 564-Rohrbach, et al,

with SCS

RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 27-Goode and Russell

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with SCS

SCR 17-Steelman, et al

SCR 22-Rohrbach

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-NINTH DAY--MONDAY, MARCH 12, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Is the sword to keep devouring forever? Do you not know that the end will be bitter?" (2 Samuel 2:26)

Merciful God, again last week and this weekend we hear the cries of families of children killed and shot by other children. We ask Your compassion on these families that You will provide them comfort and support them during this time of sadness. We ask Your guidance that we might find ways to understand and do what is necessary to prevent such a violent and waste of human life in the future. Help us to help our children lay aside anger and hatred and seek Your strong presence. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 8, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 315, regarding James M. Lloyd, Boonville, which was adopted.

Senator Rohrbach offered Senate Resolution No. 316, regarding Len Schroeder, Jefferson City, which was adopted.

Senator Gibbons offered Senate Resolution No. 317, regarding Sharon Rohrbach, R.N., St. Louis, which was adopted.

Senators Westfall and Bentley offered Senate Resolution No. 318, regarding the death of Susan Decker, Brighton, which was adopted.

Senator Rohrbach offered Senate Resolution No. 319, regarding Robert J. Burke, Boonville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 320, regarding Jeremy McAninch, Kirksville, which was adopted.

Senator Caskey offered Senate Resolution No. 321, regarding James O. Naylor, Jr., Osceola, which was adopted.

Senator Kenney offered Senate Resolution No. 322, regarding Joseph John "Joe" Beck, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 323, regarding Jeremy Elliott "Jay" Thurman, Lee's Summit, which was adopted.

Senator Kinder offered Senate Resolution No. 324, regarding the Sesquicentennial Anniversary of Eisleben Evangelical Lutheran Church, Scott City, which was adopted.

Senator Kinder offered Senate Resolution No. 325, regarding the Eighty-first Birthday of former State Senator A. M. Spradling, Jr., Cape Girardeau, which was adopted.

Senators House and Gross offered Senate Resolution No. 326, regarding the St. Charles County American Heart Walk, which was adopted.

Senator Schneider offered Senate Resolution No. 327, regarding the Riverview Gardens School District, St. Louis, which was adopted.

THIRD READING OF SENATE BILLS

SB 416, introduced by Senator Stoll, entitled:

An Act to repeal sections 294.011, 294.024, 294.030, 294.043, 294.090 and 294.121, RSMo 2000, relating to child labor, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Stoll, **SB 416** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Singleton--2		
Absent with leave--Senator Schneider--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 443, introduced by Senator Staples, entitled:

An Act to repeal section 306.165, RSMo 2000, relating to water patrol officers, and to enact in lieu thereof one new section relating to the same subject with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 443** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Singleton--2		
Absent with leave--Senator Schneider--1			

Senator Klarich assumed the Chair.

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Singleton--2		
Absent with leave--Senator Schneider--1			

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Dougherty moved that motion lay on the table, which motion prevailed.

SB 407, with **SCS**, introduced by Senator Dougherty, entitled:

An Act to repeal sections 301.457 and 301.463, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof six new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 407**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 407

An Act to amend chapter 301, RSMo, by adding thereto four new sections relating to motor vehicle license plates.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 407** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 407** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Singleton--2

Absent with leave--Senator Schneider--1

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 435, introduced by Senator Goode, entitled:

An Act to repeal section 643.315, RSMo 2000, relating to emission requirements for historic vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 435** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator Schneider--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 436, introduced by Senator Goode, entitled:

An Act to repeal sections 302.177 and 302.735, RSMo 2000, relating to the issuance of driver's licenses, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 436** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator Schneider--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 222**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Caskey moved that the above amendment be adopted.

Senator Loudon offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 222, Section 149.215, Page 3, Line 3, by inserting the following new section immediately following said line:

"149.216. The provisions of sections 149.200 to 149.215 shall not apply to any cigarettes sold in this state when the tobacco product manufacturer, as such term is defined pursuant to section 196.1000, is a participating manufacturer in the Master Settlement Agreement entered into on November 23, 1998 by the state and leading United States tobacco product manufacturers or certifies to the attorney general that said tobacco product manufacturer is in compliance with the provisions of 196.1003."; and

Further amend said bill, title and enacting clause accordingly.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Caskey raised the point of order that **SSA 1** for **SA 1** is out of order in that it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

Senator Loudon offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 222, Section 149.212, Page 3, Line 1, by inserting after "149.212." the following: "1"; and

Further amend line 6, by inserting after all of said line the following:

"2. Any person who sustains economic or commercial injury as a result of a violation of sections 149.200 to 149.215, or as a result of any cigarette manufacturers or wholesalers marketing promotions or programs, discounts, rebates or sales incentives of any kind may bring an action for appropriate injunctive or equitable relief, including actual damages, if any, and as determined by the court, interest on such damages from the date of the complaint, taxable costs and reasonable attorney's fees.".

Senator Loudon moved that the above substitute amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SSA 2** for **SA 1** and was joined in his request by Senators Carter, House, Jacob and Wiggins.

SSA 2 for **SA 1** failed of adoption by the following vote:

YEAS--Senators
DePasco Kenney
NAYS--Senators

Loudon

Yeckel--4

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kinder	Klarich
Klindt	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--29			

Absent--Senators--None

Absent with leave--Senator Schneider--1

SA 1 was again taken up.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Carter, Gross, Kenney and Russell.

SA 1 failed of adoption by the following vote:

	YEAS--Senators		
Carter	Caskey	Dougherty	House
Jacob	Johnson	Mathewson	Quick
Russell	Wiggins--10		
	NAYS--Senators		
Bentley	Cauthorn	Childers	DePasco
Foster	Gibbons	Goode	Gross
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Schneider	Singleton
Staples	Steelman	Stoll	Westfall
Yeckel--21			
	Absent--Senators		
Bland	Scott	Sims--3	
	Absent with leave--Senators--None		

Senator Loudon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 222, Section 149.215, Page 3, Line 2, by inserting the following new section immediately following said line:

"149.216. The provisions of sections 149.200 to 149.215 shall not apply to any cigarettes sold in this state when the tobacco product manufacturer, as such term is defined pursuant to section 196.1000, is a participating manufacturer in the Master Settlement Agreement entered into on November 23, 1998 by the state and leading United States tobacco product manufacturers or certifies to the attorney general that said tobacco product manufacturer is in compliance with the provisions of 196.1003."; and

Further amend said bill, title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 222, Page 2, Section 149.200, Line 43, by inserting immediately after said line the following:

"6. The provisions of this section shall apply after November 1, 2001."

Senator Caskey moved that the above substitute amendment be adopted.

Senator Loudon raised the point of order that **SSA 1** for **SA 2** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem.

Senator Gross assumed the Chair.

At the request of Senator Caskey, **SSA 1** for **SA 2** was withdrawn, rendering the point of order moot.

SA 2 was again taken up.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Carter, Dougherty, Mathewson and Quick.

SA 2 failed of adoption by the following vote:

	YEAS--Senators		
DePasco	Foster	Loudon	Schneider
Yeckel--5			
	NAYS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	Dougherty	Gibbons
Gross	House	Jacob	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--26		
	Absent--Senators		
Goode	Johnson	Sims--3	
	Absent with leave--Senators--None		

Senator DePasco offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 222, Section 149.215, Page 3, Line 2, by immediately inserting at the end of said line the following new section:

"Section 149.216. The provisions of sections 149.200 to 149.215 shall become effective on January 1, 2003."; and

Further amend said bill, title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 222, Page 3, Section 149.215, Line 2, by inserting immediately after said line the following:

"**149.216. The provisions of this legislation shall apply after November 1, 2001.**"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted.

At the request of Senator Caskey, **SB 222**, with **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on February 16, 2001 for your advice and consent:

Bob Boydston, 7818 North Garfield, Kansas City, Clay County, Missouri 64118, as Commissioner of the Missouri Water Patrol, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Larry T. Whitten, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 521**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 605**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 434**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 486**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 431**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 515**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 201**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 526**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 267**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 586--Select Committee on Redistricting.

SB 599--Local Government and Economic Development.

REFERRALS

President Pro Tem Kinder referred **SCR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 265** and **369**, entitled:

An Act to repeal section 565.030, RSMo 2000, relating to death penalty, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 237, 270, 403** and **442**, entitled:

An Act to repeal sections 610.010, 610.015, 610.021 and 610.027, RSMo 2000, relating to the sunshine law, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, his daughters, Elsa and Rachael, Clayton; and Elsa and Rachael were made honorary pages.

Senator Russell introduced to the Senate, Mr. and Mrs. Larry Cleveland, Joseph, Meredith and

Margaret Cleveland and Molly A., Abby and Margo O'Mealey, Richland; and Joseph, Meredith, Margaret, Molly, Abby and Margo were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTIETH DAY-TUESDAY, MARCH 13, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and

Campbell

HB 157-Hosmer

HB 80-Ross

HCS for HB 50

HCS for HB 194

HS for HB 287-Williams

HB 218-Farnen, et al

HCS for HBs 265 & 369

HS for HCS for HBs 237,

270, 403 & 442-Smith

THIRD READING OF SENATE BILLS

SB 97-Bentley

(In Budget Control)

SB 50-Childers

(In Budget Control)

SCS for SB 317-Stoll

(In Budget Control)

SS for SB 14-Mathewson

SS for SB 220-Kinder

(In Budget Control)

SS#2 for SCS for SBs 39 &

269-Klarich (In Budget Control)

SB 381-Klarich

SS for SCS for SB 267-Klarich

SENATE BILLS FOR PERFECTION

1. SB 339-Stoll and

Childers, with SCA 1

2. SB 48-Sims, with SCS

3. SB 400-Kenney, et al

4. SB 374-Steelman, with SCS

5. SB 239-Stoll, with SCS

6. SBs 238 & 250-Staples,

et al, with SCS

7. SB 445-Singleton, with SCS

8. SBs 22 & 106-

Singleton, with SCS

9. SBs 214, 124, 209 &

322-Gross, et al, with SCS

10. SJR 9-Goode, et al

11. SB 438-Bentley and Stoll

12. SB 251-Kinder

13. SB 375-Steelman, with SCS

14. SB 392-Kenney and

DePasco

15. SB 372-Gibbons, with SCS

16. SB 454-Kinder, with SCS

17. SB 193-Rohrbach

18. SBs 459, 305, 396 &
450-Westfall, with SCS
19. SBs 69 & 458-Gross,
with SCS
20. SB 68-Gross and House,
with SCAs 1 & 2
21. SB 60-Steelman, with SCS
22. SBs 347 & 487-Caskey,
with SCS
23. SB 385-Mathewson
24. SB 331-DePasco, et al,
with SCS
25. SBs 5 & 21-Wiggins,
et al, with SCS
26. SB 373-Gibbons and
Yeckel, with SCS
27. SBs 433 & 248-Kinder
and Gross, with SCS
28. SB 462-Westfall
29. SB 428-Loudon
30. SB 27-Johnson and
Westfall, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 52 & 91-Childers,

with SCS, SA 1 & SSA 1

for SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with

SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS & SA 2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 253 & 260-Gross, with SCS

SBs 323 & 230-Childers,

et al, with SCS (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 2/27

SB 135-Wiggins

(In Budget Control)

SB 422-Steelman

(In Budget Control)

SB 76-Wiggins

(In Budget Control)

Reported 3/5

SB 442-Caskey

SB 491-Rohrbach, with SCS

SB 345-House

SB 191-Goode, with SCAs 1 & 2

SB 354-Johnson and Scott, with SCS

SB 200-Sims

SB 449-Sims

SB 393-Sims, with SCS

Reported 3/6

SB 353-Johnson

Reported 3/12

SB 521-Mathewson

SB 605-Jacob

SB 434-Sims

SB 486-Yeckel, with SCS

SB 431-Goode and Cauthorn, with SCS

SB 515-Yeckel, with SCS

SB 201-Sims

SB 526-Dougherty, with

SCS

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with SCS

SCR 17-Steelman, et al

SCR 22-Rohrbach

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt (Gross)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTIETH DAY--TUESDAY, MARCH 13, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"O give thanks to the Lord of lords...who alone does great wonders, for his steadfast love endures forever." (Psalm 136:3-4)

Gracious Lord, we praise You for Your faithfulness and steadfast love that have been shown throughout all generations. Thank you for abiding with us and giving us the privilege to be a part of Your great universe. Keep us faithful as stewards as we serve in the kingdom of man and kingdom of God. And we pray for our doorkeeper, Bill Wyrick and his wife, Nancy, as they leave us and await her transplant operation; give them patience and heal her body. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			
The Lieutenant Governor was present.			

THIRD READING OF SENATE BILLS

SB 442, introduced by Senator Caskey, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates for Safari Club International.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 442** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Scott	Sims
Staples	Stoll	Westfall	Wiggins
Yeckel--29			

	NAYS--Senators	
Rohrbach	Singleton	Steelman--3
	Absent--Senators	
Jacob	Schneider--2	
	Absent with leave--Senators--None	

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

Senator Klarich assumed the Chair.

SB 491, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to repeal section 198.280, RSMo 2000, relating to nursing home districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 491**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 491

An Act to repeal section 198.280, RSMo 2000, relating to nursing home districts, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 491** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 491** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Jacob--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 345, introduced by Senator House, entitled:

An Act to repeal section 71.285, RSMo 2000, relating to removal of weeds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 345** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senator Jacob--1		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 191, with **SCAs 1** and **2**, introduced by Senator Goode, entitled:

An Act to repeal section 77.450, RSMo 2000, relating to certain municipalities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

On motion of Senator Goode, **SB 191**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators--None			

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 253** and **SB 260**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 253** and **260**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 253 and 260

An Act to repeal section 516.097, RSMo 2000, relating to certain tort actions, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Gross moved that **SCS** for **SBs 253** and **260** be adopted.

Senator DePasco offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 253 and 260, Page 2, Section 537.800, Line 2, by deleting the words "or injuries" and inserting in lieu thereof the following: "**, injuries or death**".

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 253 and 260, Page 1, Section 516.097, Line 6, by inserting after "completed" the following: "**only if any remaining improvements to real property occur within one year of the substantially completed portion. Otherwise, a ten year statute of limitations shall begin to run when the improvement of real property is completed. A written contract shall be provided to the property owner confirming the date the improvement to the real property will be completed. This date shall be no greater than six months from the date the improvement was substantially completed.**".

Senator Klarich moved that the above amendment be adopted.

Senator Singleton assumed the Chair.

Senator Gross offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 253 and 260, Page 1, Section 516.097.0, Line 4, by inserting after the word "condition" on said line, the words "of any improvement to real property"; and

Further amend said Section, Page 1, Line 5, by deleting the brackets on said line; and

Further amend said Bill, Section 516.097.6, Page 2, Line 31 of said page, by inserting after the word "improvement" the words "to real property" on said line; and

Further amend said Section, Page 2, Line 36 on said page, by inserting after the word "a" the word "licensed" on said line; and

Further amend said Bill, Section 537.800.4, Page 2, Line 15 of said page, by deleting the words "ninety-five" on said line and inserting in lieu thereof, the words "one hundred twenty" on said line; and

Further amend said Bill, Section 537.800.6, Page 3, Line 22 on said page, by inserting before the word "professional" the word "licensed" on said line; and

Further amend said line by inserting before the word "land" the word "licensed" on said line.

Senator Gross moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 2** is out of order, as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 2 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Gross, **SB 253** and **SB 260**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 502**, entitled:

An Act to authorize the governor to convey certain property in St. Francois County which is part of the Southeast Missouri Mental Health Center to the American Legion.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 779**, entitled:

An Act to authorize the conveyance of property interest owned by Northwest Missouri State University to the Missouri National Guard and the City of Maryville.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 328, regarding the Sesquicentennial Anniversary of the Missouri School for the Blind, which was adopted.

Senator Yeckel offered Senate Resolution No. 329, regarding Anthony Lawrence Adrignola, St. Louis County, which was adopted.

Senator Caskey offered Senate Resolution No. 330, regarding Marguerite "Lynne" Blakeman, Butler, which was adopted.

Senator Loudon offered Senate Resolution No. 331, regarding Melissa Gilmer, Bridgeton, which was adopted.

Senator House offered Senate Resolution No. 332, regarding Judith K. Loeffler, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 333, regarding Nicholas William King, St. Peters, which was adopted.

Senator Westfall offered Senate Resolution No. 334, regarding James LaMont "Monty" Andreasen, Willard, which was adopted.

THIRD READING OF SENATE BILLS

SB 200, introduced by Senator Sims, entitled:

An Act to repeal section 217.015, RSMo 2000, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 200** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Dougherty
Foster	Goode	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Russell	Scott
Sims	Staples	Stoll	Westfall
Wiggins	Yeckel--22		
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Carter	DePasco
Gibbons	House	Jacob	Loudon
Rohrbach	Schneider	Singleton	Steelman--12
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

INTRODUCTIONS OF GUESTS

President Pro Tem Kinder introduced to the Senate, former Senator Albert M. Spradling, Jr., Cape Girardeau.

Senator Spradling assumed the dais and addressed the members of the Senate.

President Pro Tem Kinder assumed the dais.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 184**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Singleton, **SA 2** was withdrawn.

At the request of Senator Sims, **SS** for **SB 184** was withdrawn.

Senator Sims offered **SS No. 2** for **SB 184**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 184

An Act to repeal sections 205.968, 205.969, 205.970, 205.971, 205.972 and 205.973, RSMo 2000, relating to sheltered workshops, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Senator Sims moved that **SS No. 2** for **SB 184** be adopted.

At the request of Senator Johnson, **SB 184**, with **SS No. 2** (pending), was placed on the Informal Calendar.

Senator Stoll moved that **SB 339**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Stoll moved that the above amend-ment be adopted, which motion failed.

Senator Stoll offered **SS** for **SB 339**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 339

An Act to repeal sections 34.140 and 313.835, RSMo 2000, relating to veterans, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Senator Stoll moved that **SS** for **SB 339** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 339, Page 4, Section 313.835, Line 23, by inserting immediately after the word "organization" the following "**or municipal government agency**".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Stoll moved that **SS** for **SB 339**, as amended, be adopted, which motion prevailed.

On motion of Senator Stoll, **SS** for **SB 339**, as amended, was declared perfected and ordered printed.

Senator Sims moved that **SB 48**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 48**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 48

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930 and 210.936, RSMo 2000, relating to dependent care, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **SB 48** be adopted.

Senator Sims offered **SS** for **SCS** for **SB 48**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 48

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930 and 210.936, RSMo 2000, relating to dependent care, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for **SB 48** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 2, Section 210.900, Line 21 of said page, by inserting after "(6)" the following: **"'Employer', any child care provider, elder care provider, or personal care provider as defined in this section;"**; and further amend said section, by renumbering the remaining subdivisions accordingly; and further amend line 25, by striking "or"; and

Further amend said bill, Page 6, Section 210.909, Line 15 of said page, by striking the word "felony"; and

Further amend said bill, Page 8, Section 210.921, Line 10 of said page, by inserting before "Any" the following: **"With the exception of any agency licensed by the state to provide child care, elder care or personal care which shall receive specific information immediately if requested,"**.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

Senator Sims offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 5, Section 210.906, Line 1, by adding after the word "employer" the following: **"under contract with the state"**.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SS** for **SCS** for **SB 48**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SCS** for **SB 48**, as amended, was declared perfected and ordered printed.

Senator Kenney moved that **SB 400** be taken up for perfection, which motion prevailed.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 400, Page 4, Section 407.817, Line 41, by inserting immediately after "section." the following:

"7. This section shall not apply to recreational motor vehicle franchisors and franchisees."; and

Further amend said bill, Page 16, Section 407.825, Line 300, by striking "subdivision" as it appears the second time on the line; and inserting in lieu thereof **"subdivisions"**; and further amend line 301, inserting after "(17)" the following:

"and (18)"; and

Further amend said bill, Page 18, Section 407.826, Line 53, by inserting after all of said line the following:

"4. The provisions of this section shall not apply to recreational motor vehicle franchisors and franchisees."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kenney, **SB 400**, as amended, was declared perfected and ordered printed.

Senator Steelman moved that **SB 374**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 374**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 374

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to emissions banking and trading.

Was taken up.

Senator Steelman moved that **SCS** for **SB 374** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 374** was declared perfected and ordered printed.

Senator Childers moved that **SB 52** and **SB 91**, with **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Goode moved that the above substitute amendment be adopted.

Senator Jacob requested a roll call vote be taken on **SSA 1** for **SA 1** and was joined in his request by Senators DePasco, Quick, House and Stoll.

SSA 1 for **SA 1** failed of adoption by the following vote:

YEAS--Senators			
Bland	Carter	DePasco	Dougherty
Gibbons	Goode	House	Jacob
Quick	Schneider	Scott	Sims
Stoll	Wiggins	Yeckel--15	
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gross	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Singleton
Staples	Steelman	Westfall--19	
Absent--Senators--None			
Absent with leave--Senators--None			

SA 1 was again taken up.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Westfall offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 25, Section 307.375, Line 53, by inserting after all of said line the following:

"575.010. The following definitions shall apply to chapters 575 and 576, RSMo:

(1) "Affidavit" means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;

(2) "Government" means any branch or agency of the government of this state or of any political subdivision thereof;

(3) **"Highway", means any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;**

(4) "Judicial proceeding" means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;

[(4)] (5) "Juror" means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;

[(5)] (6) "Jury" means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;

[(6)] (7) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

[(7)] (8) "Police animal" means a dog, horse or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs and tracking animals;

[(8)] (9) "Public record" means any document which a public servant is required by law to keep;

[(9)] (10) "Testimony" means any oral statement under oath or affirmation;

[(10)] (11) "Victim" means any natural person against whom any crime is deemed to have been perpetrated or attempted;

[(11)] (12) "Witness" means any natural person:

(a) Having knowledge of the existence or nonexistence of facts relating to any crime; or

(b) Whose declaration under oath is received as evidence for any purpose; or

(c) Who has reported any crime to any peace officer or prosecutor; or

(d) Who has been served with a subpoena issued under the authority of any court of this state.

575.145. It shall be the duty of the operator or driver of any vehicle or the rider of any animal traveling on the highways of this state to stop on signal of any sheriff or deputy sheriff and to obey any other reasonable signal or direction of such sheriff or deputy sheriff given in directing the movement of traffic on the highways. Any

person who willfully fails or refuses to obey such signals or directions or who willfully resists or opposes a sheriff or deputy sheriff in the proper discharge of his or her duties shall be guilty of a class A misdemeanor and on conviction thereof shall be punished as provided by law for such offenses."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 1, Section A, Line 4, by inserting after all of said line the following:

"210.104. 1. As used in sections 210.104 to 210.107, the following terms shall mean:

- (1) "Child booster seat", a specially designed seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;
- (2) "Child passenger restraint system", a specially designed seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;
- (3) "Driver", a person who drives or is in actual physical control of a motor vehicle.

2. Every person transporting a child under the age of [four] **sixteen** years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this state, for providing for the protection of such child[. Such child shall be protected by a child passenger restraint system approved by the department of public safety.

2.] as follows:

- (1) Children less than four years of age, regardless of weight, or children weighing less than forty pounds, regardless of age, shall be properly restrained in a properly secured child passenger restraint system appropriate that child;
- (2) Children at least four years of age but less than eight years of age or weighing at least forty pounds but less than eighty pounds, shall be properly restrained in a properly secured child passenger restraint system or booster seat appropriate for that child;
- (3) Children at least eight years of age but less than 16 years of age, or at least eighty pounds, shall be properly restrained in the vehicle safety belt.

3. Any person who violates this section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than [twenty-five] **one hundred** dollars and court costs. **If a person receives a citation for violating this section, the court shall dismiss the charges if the person prior to or at his or her hearing displays evidence of acquisition of a child passenger restraint system or child booster seat to the court. Sufficient evidence shall include a receipt mailed to the appropriate clerk of the court which evidences purchase, rental transferral from another child seat owner (purchased by a notarized letter) or bailment from a bona fide loaner program of a child passenger restraint system or child booster seat.**

4. Every car rental agency doing business in the state of Missouri shall inform its customers of the requirements of this section and shall provide for rental of an appropriate child passenger safety restraint system.

[3.] **5.** The provisions of sections 210.104 to 210.107 shall not apply to any public carrier for hire.

210.107. The department of public safety shall initiate and develop a program of public information to develop understanding of, and ensure compliance with the provisions of sections 210.104 to 210.107. The department of public safety shall, within thirty days of [September 28, 1983] **August 28, 2001**, promulgate standards for the performance, design, and installation of passenger restraint systems for children [under four years of age] **less than sixteen years of age** in accordance with federal motor vehicle safety standards and shall approve those systems which meet such standards. [No rule or portion of a rule promulgated under the authority of sections 210.104 to 210.107 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void."**; and

Further amend said bill, Page 8, Section 301.010, Line 268, by inserting after all of said line the following:

"302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 2 points

(except any violation of municipal stop sign ordinance where no accident is involved ... 1 point)

(2) Speeding

In violation of a state law 3 points

In violation of a county or municipal ordinance 2 points

(3) Leaving the scene of an accident
in violation of section 577.060, RSMo 12 points

In violation of any county or municipal ordinance 6 points

(4) Careless and imprudent driving
in violation of subsection 4 of section 304.016, RSMo 4 points

In violation of a county or municipal ordinance 2 points

(5) Operating without a valid license
in violation of subdivision (1) or (2)

of subsection 1 of section 302.020:

- (a) For the first conviction 2 points
- (b) For the second conviction 4 points
- (c) For the third conviction 6 points
- (6) Operating with a suspended or
revoked license prior to restoration of
operating privileges 12 points
- (7) Obtaining a license by
misrepresentation 12 points
- (8) For the first conviction of
driving while in an intoxicated condition
or under the influence of controlled
substances or drugs 8 points
- (9) For the second or subsequent
conviction of any of the following
offenses however combined: driving
while in an intoxicated condition,
driving under the influence of
controlled substances or drugs or
driving with a blood alcohol content
of ten-hundredths of one percent or
more by weight 12 points
- (10) For the first conviction
for driving with blood alcohol content
ten-hundredths of one percent or more
by weight
In violation of state law 8 points
In violation of a county or municipal

ordinance or federal law or regulation 8 points

(11) Any felony involving the use
of a motor vehicle 12 points

(12) Knowingly permitting unlicensed
operator to operate a motor vehicle 4 points

(13) For a conviction for failure
to maintain financial responsibility
pursuant to county or municipal ordinance
or pursuant to section 303.025, RSMo 4 points

**(14) For a conviction for failing
to properly restrain a child pursuant
to section 210.104, RSMo, and section
307.178 2 points**

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of

public safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection."; and

Further amend said bill, Page 24, Section 304.580, Line 84, by inserting after all of said line the following:

"307.178. 1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks with a licensed gross weight of twelve thousand pounds or more.

2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, and persons less than eighteen years of age operating or riding in a truck, as defined in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than [four] **sixteen** years of age shall be protected as required in section 210.104, RSMo. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection. The provisions of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Noncompliance with this subsection shall not constitute probable cause for violation of any other provision of law.

3. Each driver of a motor vehicle transporting a child four years of age or more, but less than sixteen years of age, shall secure the child in a properly adjusted and fastened [safety belt] **restraint appropriate for the child's age and weight as defined in section 210.104, RSMo. Enforcement of this subsection and section 210.104 shall be enforced as a primary action and the driver need not be cited or charged with a violation or some other offense.**

4. In any action to recover damages arising out of the ownership, common maintenance or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not be considered evidence of comparative negligence. Failure to wear a safety belt in violation of this section may be admitted to mitigate damages, but only under the following circumstances:

(1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation of this section must first introduce expert evidence proving that a failure to wear a safety belt contributed to the injuries claimed by plaintiff;

(2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one percent of the damages awarded after any reductions for comparative negligence.

5. Each driver who violates the provisions of subsection 2 or 3 of this section is guilty of an infraction for which a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this section. [In no case shall points be assessed against any person, pursuant to section 302.302, RSMo, for a violation of this section.]

6. The department of public safety shall initiate and develop a program of public information to develop understanding of, and ensure compliance with, the provisions of this section. The department of public safety shall evaluate the effectiveness of this section and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

7. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the [driver and] passengers [are not in violation of this section] **who are unable to wear seat belts, shall sit on the rear passenger area of the motor vehicle unless the motor vehicle is designed only for a front-seated area.**"; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Singleton assumed the Chair.

At the request of Senator Childers, **SB 52** and **SB 91**, with **SCS** and **SA 3** (pending), were placed on the Informal Calendar.

Senator Klarich assumed the Chair.

SB 239, with **SCS**, was placed on the Informal Calendar.

Senator Staples moved that **SB 238** and **SB 250**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 238** and **250**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 238 and 250

An Act to repeal section 620.467, RSMo 2000, relating to tourism, and to enact in lieu thereof three new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Staples moved that **SCS** for **SBs 238** and **250** be adopted.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 238 and 250, Pages 2-3, Section 620.467, Lines 45-53, by striking all of the bold faced language on said lines.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Staples, **SB 238** and **SB 250**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 409**, entitled:

An Act to authorize the conveyance of certain properties between the Missouri national guard and the city of Joplin.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 452**, entitled:

An Act to repeal section 217.560, RSMo 2000, relating to vocational enterprises, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 422**; SCS for **SB 317**; SS for **SB 220**; **SB 135**; **SB 76**; **SB 50**; and **SS No. 2** for SCS for **SBs 39** and **269**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 623**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 520**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 319**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 319, Page 3, Section 160.518, Line 55, by striking the word "five" and inserting in lieu thereof the word "**three**".

Also,

Mr. President: Your Committee on Education, to which was referred **SB 284**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 451**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 460**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 307**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 13, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Chuck Gross to serve on the State Records Commission (RSMo 109.250).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Eldon Jones, Macon.

On behalf of Senator Stoll and himself, Senator Klarich introduced to the Senate, Jennifer and James Berberich, High Ridge.

Senator Sims introduced to the Senate, Margaret Hsiang, St. Louis.

On behalf of Senator Russell and himself, Senator Westfall introduced to the Senate, Larry Shockley, Jim Blockburn and Lynette Miller, Buffalo.

Senator Childers introduced to the Senate, his cousin, Stacey Childers-Teeple, and John and Chris Harlan, Ozark County.

Senator Klindt introduced to the Senate, Jack Clapham and David Dennis, Princeton; Larry Buzzard and Charles Langewisch, Trenton; George Washburn, Gainesville; and James Hines, Mercer.

Senator Kinder introduced to the Senate, Kristi Wallis and Brooke Hendricks, Cape Girardeau.

Senator Russell introduced to the Senate, Donna Whited, Edwards; and her granddaughter, Brooke Hardin, Oklahoma City, Oklahoma; and Brooke was made an honorary page.

Senator Yeckel introduced to the Senate, Kara Penn, Denver, Colorado.

Senator Kenney introduced to the Senate, Bryce Hach, Loveland, Colorado.

Senator Stoll introduced to the Senate, Andy Bingham and ninety students from Festus High School, Festus.

Senator Singleton introduced to the Senate, Debbie Schoeberl, Rayma Pilkenton, Becci Herron and Derik Campbell, Joplin.

Senator Loudon introduced to the Senate, students from Garrett Elementary School, Hazelwood; and Robbie Peoppelmeier, Lauren Gatcombe, Shaina Rubin and Anthony Drake were made honorary pages.

Senator Johnson introduced to the Senate, Derek Frieling, Janice Geary and Jeff Leake, sponsors; Chloe Church, Brynn Holloway, Tanya Nielson and Stacy Schneitter from Lafayette High School; Joe Pederson, Cristin Pifer and Devon Simpson from Benton High School; and Tyson Evans, Kevin Frazer, Barbara Meyer and Matt Roberts from Central High School, St. Joseph.

Senator Bentley introduced to the Senate, Pat Loque and Steven Bates, Springfield.

Senator Dougherty introduced to the Senate, the Honorable Francis Slay and O.C. Johnson, St. Louis.

On behalf of Senator Singleton, the President introduced to the Senate, Jim Stuart, Freddie Jennings, Alicia Thurman, Jessica Meniska, Chris Erlwine, Heather Cobb, Joy Stein, Lindsay Barnes, Clayton Bradford and Stacy Crouch, Neosho High School Advanced Government Class, Neosho.

Senator Yeckel introduced to the Senate, Karen Papin and students from Crestwood Elementary School, St. Louis.

Senator Childers introduced to the Senate, Rochelle Dixon and David Sewell, Springfield.

Senator Foster introduced to the Senate, Yvonne Randolph, Kathy Phillips, Jeff Brasser, Charles Kinsey, Daniel Romine, Cary Welch, Greg Rublaitus, Carmen Kuehle, Jakub Konysz and Robert Curry, Three Rivers Community College, Poplar Bluff.

Senator Russell introduced to the Senate, parents and fourth grade students from Mallory Elementary School, Buffalo.

Senator Gibbons introduced to the Senate, students from McGrath School, St. Louis County.

Senator Dougherty introduced to the Senate, the Honorable Michael David, St. Louis.

Senator Klindt introduced to the Senate, members of the Maryville Chamber of Commerce.

Senator Westfall introduced to the Senate, Charlie, Kay and Blake Long, Bolivar; and Blake was made an honorary page.

Senator Cauthorn introduced to the Senate, Kenny Hone, Mexico; and Alice Gardner, Shelbyville.

Senator Russell introduced to the Senate, Steve, Teresa, Hannah, Stephanie and Christopher Stewart, Homeschoolers from Lebanon; and Hannah, Stephanie and Christopher were made honorary pages.

Senator Scott introduced to the Senate, Jack Buck, Lou Brock and Bill DeWitt of the St. Louis Cardinals Baseball Organization.

On behalf of Senator Scott and himself, Senator Staples introduced to the Senate, Josephine Scott, St. Louis.

On behalf of Senator Kinder, the President introduced to the Senate, Carol Sheets and Van Marlin, Cape Girardeau.

On behalf of Senator Kinder, the President introduced to the Senate, Charles Drury, St. Louis.

Senator Kenney introduced to the Senate, former State Representative, Judge Vernon Scoville, Independence.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jeffrey Bloss, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIRST DAY-WEDNESDAY, MARCH 14, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and

Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and

Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and

Campbell

HB 157-Hosmer

HB 80-Ross

HCS for HB 50

HCS for HB 194

HS for HB 287-Williams

HB 218-Farnen, et al

HCS for HBs 265 & 369

HS for HCS for HBs 237,
270, 403 & 442-Smith
HB 502-Ward

HB 779-Barnett

HB 409-Surface

HB 452-Gratz

THIRD READING OF SENATE BILLS

SB 97-Bentley

(In Budget Control)

SB 50-Childers

SCS for SB 317-Stoll

SS for SB 14-Mathewson

SS for SB 220-Kinder

SS#2 for SCS for SBs 39 &

269-Klarich

SB 381-Klarich

SS for SCS for SB 267-Klarich

SENATE BILLS FOR PERFECTION

1. SB 445-Singleton,

with SCS

2. SBs 22 & 106-

Singleton, with SCS

3. SBs 214, 124, 209 &

322-Gross, et al,

with SCS

4. SJR 9-Goode, et al

5. SB 438-Bentley and Stoll

6. SB 251-Kinder

7. SB 375-Steelman, with SCS

8. SB 392-Kenney and DePasco

9. SB 372-Gibbons, with SCS

10. SB 454-Kinder, with SCS

11. SB 193-Rohrbach

12. SBs 459, 305, 396 &

450-Westfall, with SCS

13. SBs 69 & 458-Gross,

with SCS

14. SB 68-Gross and House,

with SCAs 1 & 2

15. SB 60-Steelman, with SCS

16. SBs 347 & 487-Caskey,

with SCS

17. SB 385-Mathewson

18. SB 331-DePasco, et al,

with SCS

19. SBs 5 & 21-Wiggins,

et al, with SCS

20. SB 373-Gibbons and

Yeckel, with SCS

21. SBs 433 & 248-Kinder

and Gross, with SCS

22. SB 462-Westfall

23. SB 428-Loudon

24. SB 27-Johnson and

Westfall, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples,
et al, with SCS (pending)
SB 239-Stoll, with SCS
SBs 253 & 260-Gross, with
SCS (pending)
SBs 323 & 230-Childers,
et al, with SCS (pending)
SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 2/27

SB 135-Wiggins

SB 422-Steelman

SB 76-Wiggins

Reported 3/5

SB 354-Johnson and Scott,
with SCS

SB 449-Sims

SB 393-Sims, with SCS

Reported 3/6

SB 353-Johnson

Reported 3/12

SB 521-Mathewson

SB 605-Jacob

SB 434-Sims

SB 486-Yeckel, with SCS

SB 431-Goode and Cauthorn, with SCS

SB 515-Yeckel, with SCS

SB 201-Sims

SB 526-Dougherty, with

SCS

Reported 3/13

SB 623-Westfall, with SCS

SB 520-Foster, with SCS

SB 319-Carter, with SCA 1

SB 284-Steelman, with SCS

SB 451-Goode

SB 460-Klarich

SB 307-Jacob

RESOLUTIONS

SR 58-Singleton

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with SCS

SCR 17-Steelman, et al

SCR 22-Rohrbach

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

(Gross)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY--WEDNESDAY, MARCH 14, 2001

The Senate met pursuant to adjournment.

Senator Singleton in the Chair.

Reverend Carl Gauck offered the following prayer:

Evelyn Underhill wrote regarding the Prayer of silence: "In it the soul feeds upon God, draws new vitality from the source of all life. The citizen who is so strengthened is worth more to the state than the one whose roots do not strike deep into eternity."

Gracious Lord, as we reach this midpoint of our week help us to spend some time in silence with You our God. Let our "roots strike deep" into You so we too may be of greater worth to this State and the people we serve. And may we gain strength for the many tasks still ahead of us. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		
Absent with leave--Senators--None			

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 335, regarding Jeffrey S. "Jeff" Signaigo, Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 336, regarding Michael D. Allen, Arnold, which was adopted.

THIRD READING OF SENATE BILLS

SB 135, introduced by Senator Wiggins, entitled:

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545 and

452.550, RSMo 2000, relating to the uniform child custody jurisdiction act, and to enact in lieu thereof forty new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Klarich assumed the Chair.

On motion of Senator Wiggins, **SB 135** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Cauthorn moved that motion lay on the table, which motion prevailed.

SB 422, introduced by Senator Steelman, entitled:

An Act to repeal section 292.606, RSMo 2000, relating to the state emergency management agency, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Steelman, **SB 422** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bland	Goode--2		

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 76, introduced by Senator Wiggins, entitled:

An Act to repeal section 92.402, RSMo 2000, relating to taxation for public mass transportation systems, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 76** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Loudon--1		
	Absent--Senators		
Bland	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 445**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 445**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 445

An Act to repeal sections 354.606 and 376.383, RSMo 2000, relating to health insurance carriers, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SB 445** be adopted.

Senator Singleton offered **SS** for **SCS** for **SB 445**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL No. 445

An Act to repeal sections 354.606, 376.383 and 376.406, RSMo 2000, relating to health insurance carriers, and to enact in lieu thereof four new sections relating to the same subject.

Senator Singleton moved that **SS** for **SCS** for **SB 445** be adopted.

At the request of Senator Singleton, **SB 445**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SB 22** and **SB 106**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 22** and **106**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 22 and 106

An Act to repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly and to enact in lieu thereof eleven new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SBs 22** and **106** be adopted.

Senator Singleton offered **SS** for **SCS** for **SBs 22** and **106**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 22 and 106

An Act to repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly and to enact in lieu thereof eleven new sections relating to the same subject.

Senator Singleton moved that **SS** for **SCS** for **SBs 22** and **106** be adopted.

At the request of Senator Singleton, **SB 22** and **SB 106**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Gross moved that **SB 214**, **SB 124**, **SB 209**, and **SB 322**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 214**, **124**, **209** and **322**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 214, 124, 209 and 322

An Act to repeal sections 556.036, 566.093, 573.037, 589.400 and 589.417, RSMo 2000, relating to sex offenders, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Gross moved that **SCS** for **SBs 214, 124, 209 and 322** be adopted.

At the request of Senator Gross, **SBs 214, 124, 209, and 322**, with **SCS** (pending), were placed on the Informal Calendar.

Senator Goode moved that **SJR 9** be taken up for perfection, which motion prevailed.

Senator Goode offered **SS** for **SJR 9**, entitled:

SENATE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 9

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32 (a) and 32 (b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

Senator Goode moved that **SS** for **SJR 9** be adopted.

At the request of Senator Goode, **SJR 9**, with **SS** (pending), was placed on the Informal Calendar.

Senator Stoll moved that **SB 239**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 239**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 239

An Act to repeal section 167.645, RSMo 2000, relating to promotion of students, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Stoll moved that **SCS** for **SB 239** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, In the Title, Line 2, by striking "promotion of students" and inserting in lieu thereof the following: "school accountability"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"160.522. 1. [The state board of education shall adopt a policy for the public reporting of information by school

districts on an annual basis.] **School districts shall provide, at least annually, a school accountability report card for each school building to any household with a student enrolled in the district. Methods of distribution of the school accountability report card may include, but are not restricted to:**

- (1) Distribution at the time and place of student enrollment;**
- (2) Inclusion with student grade reports;**
- (3) Newspaper publication;**
- (4) Posting by the school district by Internet or other electronic means generally accessible to the public; or**
- (5) Making copies available upon request at all school or administrative buildings in any school district.**

The school district reports shall be distributed to all media outlets serving the district, and shall be made available, **upon request**, to all district patrons and to each member of the general assembly representing a legislative district which contains a portion of the school district.

2. The department of elementary and secondary education shall develop [multiple reporting models] **a standard form for the school accountability report card** which may be used by school districts [for their public reports]. The information reported shall include, but not be limited to, enrollment, rates of pupil attendance, high school dropout rate, the rates and durations of, and reasons for, suspensions of ten days or longer and expulsions of pupils, staffing ratios, including the district ratio of students to all teachers, to administrators, and to classroom teachers, the average years of experience of professional staff and advanced degrees earned, student achievement as determined through the assessment system developed pursuant to section 160.518, student scores on the SAT or ACT, **as appropriate**, along with the percentage of students taking each test, average teachers' and administrators' salaries compared to the state averages, average salaries of noncertificated personnel compared to state averages, average per pupil expenditures for the district as a whole and [for each building in the district which has pupils at the same grade level as another building in the district,] **by attendance center as reported to the department of elementary and secondary education**, voted and adjusted tax rates levied, assessed valuation, percent of the district operating budget received from state, federal, and local sources, [extracurricular activities offered and the costs associated with each activity,] the number of students eligible for free or reduced lunch, school calendar information, including [the number of] days [and hours for] **of** student attendance, parent-teacher conferences, and staff development or in-service training, data on course offerings and rates of participation in parent-teacher conferences, special education programs, early childhood special education programs, parents as teachers programs, vocational education programs, gifted or enrichment programs, and advanced placement programs, data on the number of students continuing their education in postsecondary programs and information about job placement for students who complete district vocational education programs, and the district's most recent accreditation by the state board of education, including measures for school improvement.

3. The public reporting shall permit the disclosure of data on a school-by-school basis, but the reporting shall not be personally identifiable to any student or education professional in the state.

4. The annual report made by the state board of education pursuant to section 161.092, RSMo, shall include a summary of school districts accredited, provisionally accredited, and unaccredited under the Missouri school improvement program, including an analysis of standards met and not met, and an analysis of state program assessment data collected pursuant to section 160.526, describing the kinds of tasks students can perform."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Carter offered **SA 2**:

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, In the Title, Line 2, by inserting after "relating to" the following: "assessment and"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after all of said line the following:

"160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests. The statewide assessment shall measure, where appropriate by grade level, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, mathematics skills, world and American history, forms of government, geography and science.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

5. Any student who receives special educational services, as that term is defined in section 162.675, RSMo, may be allowed to take any test developed pursuant to this section at a developmentally appropriate grade level that may be different from his or her grade level if determined appropriate pursuant to this subsection. The state board of education shall develop criteria for determining developmentally appropriate grade levels for testing such students and shall require that a student whose disability does not prevent them from taking a test at grade level, as determined by the student's individualized education plan committee, shall take such test at grade level. The school district shall be required to submit to the department of elementary and secondary education, at least thirty days prior to the date of testing, proof of meeting the criteria for the grade level at which the district is seeking to have such student tested. The department may refuse to allow any such student to be tested at the level requested by the district, and may require that such student be tested at his or her grade

level. If the department takes no action on any such request by the district, then the student shall be tested at the level requested by the district."; and

Further amend the title and enacting clause accordingly.

Senator Carter moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 74, by inserting immediately after the word "districts" the words **"provided that such districts shall timely make all payments provided pursuant to such cooperative agreements"**.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 82, by striking the words "not incorporate" and inserting in lieu thereof the words **"require each district to provide"**; and further amend line 84 by striking the words "into any element of any standard of the" and inserting in lieu thereof **"and consider such information necessary in its review of the school district pursuant to the"**.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 88, by striking the word "fourth" and inserting in lieu thereof the word **"sixth"**.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, Section A, Line 2, by inserting after all of said line the following:

"162.083. Notwithstanding the procedures of subsections 1 and 2 of section 162.081 regarding the timetable for the lapse of school districts, the corporate organization of any urban school district which was designated as unaccredited in the calendar year 1999 and which had an effective date for its unaccredited status beginning in the calendar year 2000, and which has a fraction of students reading below grade level in excess of the state average fraction based upon results of assessments established pursuant to section 160.518, RSMo, shall lapse on the effective date of this section. The state board of education shall govern such district beginning on the effective date of this section, and lasting until the state board of education has completed procedures for the governance or future reorganization of the district as provided in section 162.081 or in any other provision of law."; and

Further amend said bill, Page 3, Section B, Line 2, by inserting after the word and comma "Missouri," the following: "the enactment of section 162.083 and the repeal and reenactment of"; and

Further amend said bill, Page 4, Section B, Line 5, by inserting after the word "and" as it appears the first time the following: "the enactment of section 162.083 and the repeal and reenactment of"; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Rohrbach assumed the Chair.

Senator Kinder offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, Section A, Line 2, by inserting after all of said line the following:

"162.083. 1. Notwithstanding the procedures of subsections 1 and 2 of section 162.081 regarding the timetable for the lapse of school districts, the corporate organization of any urban school district which was designated as unaccredited in the calendar year 1999 and which had an effective date for its unaccredited status beginning in the calendar year 2000, and which has a fraction of students reading below grade level in excess of the state average fraction based upon results of assessments established pursuant to section 160.518, RSMo, shall lapse on March 1, 2002. The Kansas City Education Restoration Board, which is created herein, shall govern such district beginning on March 1, 2002, and lasting until otherwise provided by law.

2. The board shall be composed of fourteen members, appointed by the governor with advice and consent of the senate. The composition of the board shall be as follows: three members, selected proportionally by the partisan makeup of such body, from the senate; three members, selected proportionally by the partisan makeup of such body, from the house of representatives; two members representing the coordinating board for higher education; one member representing the school district; two members representing an institution of higher learning having sponsored more than ten charter schools in the district; one member representing an institution of higher learning having sponsored more than three charter schools in the district; one member representing the teacher organizations of the current school district and two members from two different civic organizations which have been actively involved in educational initiatives within the district.

3. Effective March 1, 2002, the board shall assume operational control of the district. The board shall also study and recommend to the general assembly operational changes in the district which provide for the eventual restoration of local and parental control and multiple reform tools including but not limited to the following: district governance, the election of board members, the size of the board, increasing parental involvement including selection of best alternatives for educational choice, financial management of the district and the creation of smaller districts. The board shall hold public hearings in the district regarding the recommendations and shall report its recommendations to the general assembly and the governor on or before December 1, 2002."; and

Further amend said bill, Page 3, Section B, Line 2, by inserting after the word and comma "Missouri," the following: "the enactment of section 162.083 and the repeal and reenactment of"; and

Further amend said bill, Page 4, Section B, Line 5, by inserting after the word "and" as it appears the first time the following: "the enactment of section 162.083 and the repeal and reenactment of"; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above substitute amendment be adopted.

At the request of Senator Stoll, **SB 239**, with **SCS, SA 6** and **SSA 1** for **SA 6** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 242**, entitled:

An Act to repeal section 67.1360, RSMo 2000, relating to tourism taxes in certain cities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 600**, entitled:

An Act to authorize the conveyance of certain property between the board of governors of Southwest Missouri State University and the Southwest Missouri Ecumenical Center.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 607**, entitled:

An Act to repeal section 332.072, RSMo 2000, relating to dental services, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 470**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the creation of a "Sergeant Robert Kimberling Memorial Highway".

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 491**, entitled:

An Act to repeal section 77.370, RSMo 2000, relating to election of marshals in cities which contract for police service, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 556**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 470**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 470, Page 1, Section 8.003, Line 7, by inserting at the end of said line the following: "**The lieutenant governor shall be an ex officio member of the commission.**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 470, Page 3, Section 8.007, Line 22, by striking the following: ", administer such oaths,"; and further amend line 23, by striking the following: "Any of these"; and further amend lines 24-25, by striking all of said lines.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 538**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Gibbons, Chairman of the Committee on Ways and Means, Senator Kenney submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 563**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 48**; **SS** for **SB 339**; **SCS** for **SB 374**; and **SB 400**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 544**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 553**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 568**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 591**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 610**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 617**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 619**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 500**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Cauthorn.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 337, regarding Kevin James Bohn, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 338, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Everett Walker, Jr., Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 339, regarding Evelyn Ericson, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 340, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Robert Clayton, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 341, regarding Christopher Mark Young, Blue Springs, which was adopted.

THIRD READING OF SENATE BILLS

SB 449, introduced by Senator Sims, entitled:

An Act to repeal section 660.050, RSMo 2000, relating to the division of aging, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Klarich assumed the Chair.

On motion of Senator Sims, **SB 449** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Westfall	Wiggins--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Quick	Staples
Stoll	Yeckel--6		
Absent with leave--Senators--None			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 393, with **SCS**, introduced by Senator Sims, entitled:

An Act to repeal section 332.072, RSMo 2000, relating to dental care, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 393**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 393

An Act to repeal section 332.072, RSMo 2000, relating to dental care, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **SB 393** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **SB 393** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators			
Bentley	Johnson--2		
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Johnson--1			
Absent with leave--Senators--None			

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 438 was placed on the Informal Calendar.

SB 251 was placed on the Informal Calendar.

SB 375, with **SCS**, was placed on the Informal Calendar.

SB 392 was placed on the Informal Calendar.

SB 372, with **SCS**, was placed on the Informal Calendar.

SB 454, with **SCS**, was placed on the Informal Calendar.

SB 193 was placed on the Informal Calendar.

Senator Westfall moved that **SB 459**, **SB 305**, **SB 396**, and **SB 450**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 459, 305, 396** and **450**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 459, 305, 396 and 450

An Act to repeal sections 144.805 and 226.200, RSMo 2000, relating to transportation, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Westfall moved that **SCS** for **SBs 459, 305, 396** and **450** be adopted.

Senator Mathewson offered **SS** for **SCS** for **SBs 459, 305, 396** and **450**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 459, 305, 396 and 450

An Act to repeal sections 142.803, 144.020, 144.700, 226.040 and 226.200, RSMo 2000, relating to transportation, and to enact in lieu thereof eight new sections relating to the same subject, with a referendum clause.

Senator Mathewson moved that **SS** for **SCS** for **SBs 459, 305, 396** and **450** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 459, 305, 396 and 450, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

"67.2050. As used in sections 67.2050 to 67.2071, the following terms mean:

(1) "Authority", the greater St. Louis sports authority created in section 67.660;

(2) "Bond", any bond, including refunding bonds, notes, interim certificates, debentures, or other obligations issued by an authority pursuant to section 67.2053;

(3) "Chief executive", the mayor of the city, the county executive of a county or the chief executive officer of a county;

(4) "City", any city not within a county;

(5) "County", any county of the first classification having a charter form of government with a population of more than nine hundred thousand inhabitants, any county of the first classification with a population of at least two hundred ten thousand but not more than three hundred thousand, any county of the first classification with a population of at least eighty thousand but not more than eighty-three thousand, and any county of the first classification with a population of at least one hundred seventy thousand but not more than two hundred thousand;

(6) "Sports facilities", sports stadiums, sports complexes, ballparks, field houses, indoor and outdoor recreational and entertainment facilities and centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of entertainment activities and for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground, except that no such facility shall be used, in any fashion, for the purpose of horse racing or dog racing; and provided that any such facility constructed after August 28, 2001, shall be:

(a) For use principally by a major league professional baseball team for competitive sports events involving other major league professional baseball teams;

(b) Designed and constructed to meet the franchise and other league standards applicable to such team;

(c) Located in the city.

67.2053. 1. In addition to the duties of the authority specified in section 67.661, the authority shall have the following powers:

(1) To acquire by gift, bequest, purchase, lease or sublease from public or private sources, to own, plan, construct, operate or maintain, and to lease or sublease to or from others, sports facilities;

(2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(3) To maintain an office, and to conduct its meetings at such place or places in the city or the county as it may designate;

(4) To charge and collect fees and rents for use of the facilities owned or operated by it or leased or subleased from or to others and to deposit any funds received pursuant to sections 67.2050 to 67.2071 in a savings or checking account in a bank, credit union or savings and loan association in the state;

(5) To adopt a common seal;

(6) To contract and to be contracted with, including, without limitation, the authority to enter into contracts with the state, cities, counties and other political subdivisions and public agencies pursuant to sections 70.210 to 70.325, RSMo, or pursuant to any other law, and to enter into contracts with other entities, in connection with the acquisition by gift, bequest, purchase, lease or sublease of, or in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of, any sports facility and for any other lawful purpose, and to sue and to be sued;

(7) To receive for its lawful activities any rentals, contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, the state or other political subdivisions or public agencies or by the federal government or any agency or officer of the federal government or from any other source, whether public or private;

(8) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(9) To invest any of the authority's funds in such types of investments as shall be determined by a resolution adopted by the commissioners of the authority;

(10) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts of any facility, which it has the power to own, lease or operate, and for any other proper corporate purpose, and to issue negotiable notes, bonds or other instruments in writing as evidence of sums borrowed, as follows:

(a) Bonds issued pursuant to this subdivision shall be issued pursuant to a resolution adopted by the commissioners of the authority certifying the estimated cost to the authority of the proposed facility or facilities, the amount of bonds to be issued and their purpose or purposes, and shall further provide their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and interest, place or places of payment and all other details in connection with such bonds; provided, however, that no bonds shall be issued initially in connection with the replacement of any existing sports facility unless the authority also certifies in such resolution that there is on deposit in the sport facilities fund created pursuant to section 67.2062 an amount, derived from public sources other than the state but including municipalities, counties and other political subdivisions, and private sources, which is not less than the amount of state sales tax revenue generated by such existing facility in the state's fiscal year next preceding the adoption of such resolution. Any such bonds may be subject to such provisions for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution;

(b) Notwithstanding the provisions of section 108.170, RSMo, such bonds shall bear interest at such rate or rates determined by the authority and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount of such bonds. Bonds issued by the authority shall possess all of the qualities of negotiable instruments pursuant to the laws of this state;

(c) Such bonds may be payable to bearer, may be registered or coupon bonds and, if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the bonds, which resolution may also provide for the exchange of registered and coupon bonds. Such bonds and any coupons attached to such bonds shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the bonds. The authority may provide for the replacement of any bond which shall become mutilated, destroyed or lost;

(d) Bonds issued by the authority shall be payable as to principal, interest and redemption premium, if any, out of all or any part of the general funds of the authority, including rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts of facilities, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds, including but not limited to sports facilities rentals, concessions and parking facilities, and from funds derived from any other facilities or part or parts of such facilities, owned or operated by the authority, all or any part of which rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any, except that direct appropriations of tax revenues received by the authority pursuant to sections 67.2050 to 67.2071 or otherwise, other than appropriations for or credited to the payment of rent, shall not be pledged for the payment of such bonds. Neither the commissioners of the authority nor any person executing its bonds shall be personally liable on such bonds by reason of the issuance of such bonds. Bonds issued pursuant to sections 67.2050 to 67.2071 shall not constitute a debt, liability or obligation of the state of Missouri, or any political subdivision of the state, nor shall any such obligations be a pledge of the faith and credit of the state, but shall be payable solely from the revenues and assets held by the authority. The issuance of bonds pursuant to sections 67.2050 to 67.2071 shall not, directly, indirectly or contingently, obligate the state or any political subdivision of the state, or the authority, to levy any form of taxation for such bonds or to make any appropriation for their payment. Each obligation or bond issued pursuant to sections 67.2050 to 67.2071 shall contain on the face of the bond a statement to the effect that the authority shall not be obligated to pay the bond or the interest on the bond except from the revenues received by the authority or assets of the

authority lawfully pledged for the bond, and that neither the faith and credit nor the taxing power of the state or of any political subdivision of the state is pledged to the payment of the principal of or the interest on such obligation or bond. Bonds issued pursuant to this section may be further secured by a mortgage, deed of trust, trust agreement, pledge agreement, assignment or security agreement upon the rents, revenues, receipts and income referred to in this section or any part of such rents, revenues, receipts and income, or upon any leasehold interest or other property owned by the authority, or any part of such property, whether then owned or thereafter acquired, except that direct appropriations of tax revenues received by the authority pursuant to sections 67.2050 to 67.2071 or otherwise, other than appropriations for or credited to the payment of rent, shall not secure such bonds. The proceeds of such bonds shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or in any such mortgage, deed of trust, trust agreement, pledge agreement or security agreement;

(e) The authority shall fix and maintain rates and rentals and make and collect charges for the use and services of its interest in the facility or facilities or any part of such facilities owned or operated by the authority which shall be sufficient, when combined with any other amounts generated and available pursuant to sections 67.2050 to 67.2071, to pay the cost of operation and maintenance of such facilities, to pay the principal of and interest on any such bonds payable from such rates, rentals and charges and to provide funds sufficient to meet all requirements of the resolution by which such bonds have been issued;

(f) The resolution authorizing the issuance of any such bonds may provide for the allocation of rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part of such facility, and of the proceeds received pursuant to sections 67.2050 to 67.2071, into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part of such facility and the prompt payment of any bonds issued to finance all or any part of the costs of such facility. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part of such facility, and for the payment of any such bonds. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds;

(g) The authority may issue negotiable refunding bonds for the purpose of refunding, extending or unifying the whole or any part of such bonds then outstanding, or any bonds, notes or other obligations issued by any other public agency, public body or political subdivision in connection with any facilities to be acquired, leased or subleased by the authority, which refunding bonds shall not exceed the amount necessary to refund the principal of the outstanding bonds to be refunded and any unpaid interest thereon, together with any redemption premium, amounts necessary to establish reserve and escrow funds and all costs and expenses incurred in connection with the refunding. The authority may provide for the payment of interest on such refunding bonds at a rate in excess of the bonds to be refunded;

(h) In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery;

(i) The authority is hereby declared to be performing a public function and bonds of the authority are declared to be issued for an essential public and governmental purpose and, accordingly, interest on such bonds and income from such bonds shall be exempt from income taxation by the state of Missouri;

(11) To appoint such officers and employ such employees as the authority may require for the performance of its duties, and to fix and determine their qualifications, duties and compensation. The commissioners shall not receive compensation for their service but they shall be reimbursed by the authority for the actual and necessary expenses incurred in the performance of their duties; and

(12) To perform all other necessary and incidental functions, and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority shall proceed to carry out its duties, functions and powers in accordance with sections 67.2050 to 67.2071, and the authority is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate such duties, except the power to levy taxes or assessments. In no event shall the state be liable for any deficiency or indebtedness incurred by the authority.

3. The authority shall grant or award at least fifteen percent of all contracts, employment opportunities, professional services and all other special contracts to persons who are members of a racial minority group, as defined in section 33.750, RSMo.

4. The authority and any city, county, other political subdivision or public agency obtaining funds pursuant to the provisions of this chapter shall be subject to the provisions of sections 34.073 and 34.076, RSMo.

5. In the event that the authority determines that moneys of the authority will not be sufficient for the payment of the principal of and interest on its bonds during the next state fiscal year, excluding amounts in any debt service reserve fund for those bonds, the chairman of the authority shall certify to the governor of the state of Missouri, as soon as is practicable, the amount required by the authority to enable it to pay the principal of and interest on the bonds. The governor shall submit the amount so certified to the general assembly as soon as practicable, but not later than the end of the current state fiscal year.

6. In the event of a withdrawal of moneys from a reserve fund established with respect to any issue or issues of bonds of the authority to pay principal or interest on such bonds, the chairman, as soon as practicable, shall certify to the governor the amount required to restore such reserve fund to the level required in the resolution or indenture securing the bonds. The governor shall submit the amount so certified to the general assembly as soon as practicable, but not later than the end of the current state fiscal year.

7. Subsections 5 and 6 of this section shall not apply to any bonds as to which the authority shall have determined, in the resolution authorizing the issuance of the bonds, that subsections 5 and 6 shall not apply. Whenever the authority makes such a determination, that fact shall be plainly stated on the face of the bonds and that fact shall also be reported to the governor. The authority shall obtain written approval from the governor for bonds and notes to which subsections 5 and 6 shall apply.

67.2056. The bonds of the authority are securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, trust companies, savings associations, savings and loan associations and investment companies, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

67.2059. The income of the authority and all properties at any time owned by the authority shall be exempt from all taxation in the state of Missouri. For the purposes of section 409.402, RSMo, all bonds issued by the authority shall be deemed to be securities issued by a public instrumentality of the state of Missouri.

67.2062. There is hereby created in the state treasury a "Sports Facilities Fund", which shall consist of any rents, fees or charges received by the authority pursuant to any contract, agreement, lease or sublease provided for in subsection 3 of section 67.2065, of all moneys deposited in such fund pursuant to section 67.2068, and of all gifts, bequests or donations of any kind to the fund. The sports facilities fund shall be administered by the authority and shall be used to carry out the provisions of sections 67.2050 to 67.2071 and shall be used to pay the costs and expenses of the authority. The provisions of section 33.080, RSMo, to the contrary notwithstanding, all moneys in the fund shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium. All interest and moneys earned on the fund shall be credited to the fund.

67.2065. 1. Nothing contained in sections 67.2050 to 67.2071 shall impair the powers of any county, municipality or other political subdivision to acquire, own, operate, develop or improve any facility of the type the authority is given the right and power to own, operate, develop or improve.

2. The state, any county, city, municipality or other political subdivision or public agency or instrumentality are authorized to make gifts, donations, grants and contributions of money or real or personal property to the authority, whether such money or property is derived from tax revenues or from any other source.

3. The state or any agency, department or instrumentality of the state and the city, a county, any other county or city or any political subdivision, public agency or public body, or any combination thereof pursuant to sections 70.210 to 70.325, RSMo, or any other law, may enter into contracts, agreements, leases and subleases with each other, the authority and others to acquire, sell, convey, lease, sublease, own, operate, finance, develop or improve, or any combination of such activities, any facility of the type the authority is given the right to construct, own, operate, develop or improve, including without limitation to agree to pay, and to pay, rents or other fees or charges, subject to annual appropriations, and to mortgage, pledge, assign, convey, or grant security in any interest which any such entity may have in such facility.

67.2068. The state's portion of all sales tax revenue collected pursuant to sections 144.010 to 144.525, RSMo, when generated by sales inside, on the grounds of, or for tickets to any event in, any sports facility which is owned, leased, subleased or operated by the authority shall, subject to appropriation, be placed in the sports facilities fund established by the authority pursuant to section 67.2062, for the purposes of the acquisition, planning, construction, equipping, operation, maintenance, repair, replacement, leasing, extension and improvement of such facility, including the repayment of any indebtedness or other obligations incurred for such purposes.

67.2071. In lieu of the annual report required pursuant to section 67.661, the authority shall, before the second Monday in April, make an annual report to the chief executives and governing bodies of the city and each county, respectively, and to the general assembly stating the condition of the authority on the first day of January of that year, and the various sums of money received and distributed by it during the preceding calendar year, except that after the second year of operation and each year thereafter, such report to the general assembly shall be made in January. The authority shall employ an independent firm of accountants to conduct a biennial audit of all accounts and transactions of the authority."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Goode raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

Senator Westfall raised a further point of order that **SS** for **SCS** for **SBs 459, 305, 396** and **450** and **SA 1** are out of order as they are untimely, stating that he, as sponsor of the pending legislation had not relinquished the floor for another purpose.

The point of order raised by Senator Westfall was referred to the President Pro Tem, who ruled it not well taken.

The President Pro Tem ruled the point of order raised by Senator Goode on **SA 1** well taken.

SS for **SCS** for **SBs 459, 305, 396** and **450** was again taken up.

At the request of Senator Westfall, **SB 459, SB 305, SB 396** and **SB 450**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Stoll moved that **SB 239**, with **SCS, SA 6** and **SSA 1** for **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 6** was again taken up.

Senator Gibbons assumed the Chair.

Senator House requested a roll call vote be taken on the adoption of **SSA 1** for **SA 6** and was joined in his request by Senators Jacob, Quick, Rohrbach and Stoll.

Senator Bland offered **SA 1** to **SSA 1** for **SA 6**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 6 to Senate Committee Substitute for Senate Bill No. 239, Page 1, Section 162.083, Line 6, by inserting after "unaccredited" the following: "**or provisionally accredited**"; and further amend line 8, by inserting after "unaccredited" the following: "**or provisionally accredited**".

Senator Bland moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 6** and was joined in his request by Senators Bland, Carter, Quick and Stoll.

At the request of Senator Stoll, **SB 239**, with **SCS**, **SA 6**, **SSA 1** for **SA 6** and **SA 1** to **SSA 1** for **SA 6** (pending), was placed on the Informal Calendar.

Senator Gross moved that **SB 214**, **SB 124**, **SB 209** and **SB 322**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 214**, **124**, **209** and **322** was again taken up.

Senator Gross offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 214, 124, 209 and 322, Page 5, Section 589.417, Line 13, by inserting after "corrections," the following: "**mental health**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Singleton assumed the Chair.

At the request of Senator Gross, **SB 214**, **SB 124**, **SB 209** and **SB 322**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 381**, entitled:

An Act to repeal sections 149.015, 407.927, 407.929 and 407.931, RSMo 2000, relating to sale of tobacco products to minors, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 342, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Vincent James DiLorenzo, Kansas City, which was adopted.

Senator Childers offered Senate Resolution No. 343, regarding Espy Elementary School, Nixa, which was adopted.

Senator Yeckel offered Senate Resolution No. 344, regarding Bill Alter, High Ridge, which was adopted.

Senators Quick, Mathewson and Scott offered the following resolution:

SENATE RESOLUTION NO. 345

Notice is hereby given by the Senators from the 17th, 21st and 3rd Districts of the one-day notice required by rule of intent to put a motion to adopt the following rule change:

WHEREAS, in order to protect the interests of all the citizens of Missouri, it is essential that the Missouri Senate maintain employment practices of support staff that will facilitate the hiring and retention of competent professionals; and

WHEREAS, the elected Senators themselves and members of their immediate staff are essentially partisan, it is in the state's best interest for Senate support staff to be non-partisan; and

WHEREAS, fifty-two years have passed before there was a change in the majority party in the Missouri Senate, such change will always be subject to the outcome of elections every two years; and

WHEREAS, it clearly would not be in the Senate's or the state's best interest to replace support staff based on the outcome of elections; and

WHEREAS, it is natural that employees that are currently employed would have cause to believe that their job security is in question due to the change in partisan control; and

WHEREAS, it is essential that support staff serve all Senators regardless of party affiliation such that the hiring decisions should be made outside a partisan environment and that such employment decision be by a consensus basis; and

WHEREAS, the vast majority of general Senate staff currently perform functions of a non-partisan and non-political nature and should remain non-partisan and non-political; and

WHEREAS, there are a very limited number of positions which are best performed by individuals with a partisan or political relationship to the member or members:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, by the members of the Senate of the Ninety-first General Assembly, First Regular Session, that a Senate Committee on Fair Employment Practices composed of three Republicans and three Democrats be established to preside over any employment decisions affecting employees of the Senate, other than employees of the individual senators; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution that this committee shall also periodically conduct a comprehensive review of staff functions and staff structure in those offices serving the body of the Missouri Senate and further determine what functions the staff should perform and whether the current allocation of resources most efficiently meets the needs of the Senate of today and tomorrow; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution that rule 25 and rule 28 be revised as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 7 members.

3. Committee on Agriculture, Conservation, Parks and Tourism, 11 members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, 13 members.
8. Committee on Elections, Veterans' Affairs and Corrections, 9 members.
9. Committee on Ethics, 8 members.
10. Committee on Financial and Governmental Organization, 9 members.
11. Committee on Gubernatorial Appointments, 11 members.
12. Committee on Insurance and Housing, 9 members.
13. Committee on Judiciary, 9 members.
14. Committee on Labor and Industrial Relations, 9 members.
15. Committee on Local Government and Economic Development, 7 members.
16. Committee on Legislative Research (statutory), 10 members.
17. Committee on Pensions and General Laws, 7 members.
18. Committee on Public Health and Welfare, 9 members.
19. Committee on Rules, Joint Rules and Resolutions, 9 members.
- 20. Committee on Fair Employment Practices, 6 members.**

[20.] **21.** Committee on State Budget Control, 9 members.

[21.] **22.** Committee on Transportation, 9 members.

[22.] **23.** Committee on Ways and Means, 11 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.

Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. **The committee shall assign the duties and exercise complete supervision over** all employees other than elected officials of the senate and employees of the individual senators[, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them]. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.
3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.
4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.
5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.
6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.
7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.
8. The Committee on Elections, Veterans' Affairs and Corrections shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to elections, election law, and to military organizations and all matters touching on military and veterans' affairs and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.
9. The Committee on Ethics shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, and shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted.
10. The Committee on Financial and Governmental Organization shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency.
11. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.
12. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.
13. The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.
14. The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.
15. The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.
16. The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.
17. The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

18. The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

19. The Committee on Rules, Joint Rules and Resolutions shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report. The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

20. The Committee on Fair Employment Practices shall determine the needs of the Senate for support staff employment and compensation for all employees other than employees of the individual senators.

[20.] **21.** The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

[21.] **22.** The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

[22.] **23.** The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming."

Senator Kinder offered the following resolution:

SENATE RESOLUTION NO. 346

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-Seventh District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rules 28, 29, 44 and 47 be amended to read as follows:

"Rule 28. The duties of the standing and statutory committees of the senate are as follows:

1. The Committee on Administration shall superintend and have sole and complete control of all financial obligations and business affairs of the senate, the assignment of offices and seats, **determining the number of courtesy resolutions each member may offer**, and the supervision of certain designated employees. The committee shall be authorized to employ an administrator, who shall be provided with office space as designated by the committee. The administrator or the secretary of the senate may be authorized to act for the committee, but only in the manner and to the extent as may have previously been authorized by the committee with such authorization entered in the minutes of the committee. No voucher calling for payment from the contingent fund of the senate shall be drawn, nor shall any valid obligation exist against the contingent fund until the same shall have been approved by the committee or its administrator and be recorded in the minutes thereof. All vouchers must be signed

by the chairman of the committee or the administrator, if so authorized. The committee or its administrator shall provide for the receiving and receipt of all supplies, equipment and furnishings purchased for the account of the senate, and the distribution thereof. The administrator shall keep a detailed running account of all transactions and shall open his records for inspection to any senator who so requests. All employees other than elected officials of the senate and employees of the individual senators, shall be selected by the committee, who shall control their tenure, set their compensation, assign their duties and exercise complete supervision over them. When necessary, the committee shall assign office space and seats in the senate chamber.

2. The Committee on Aging, Families and Mental Health shall consider and report upon all matters referred to it concerning the preservation of the quality of life for senior citizens, nursing home and boarding home operations, alternative care programs for the elderly, family and children issues, mental health, mental retardation and developmental disabilities.

3. The Committee on Agriculture, Conservation, Parks and Tourism shall consider all questions and report on all bills, resolutions, and all other matters referred to it relating to animals, animal disease, pest control, agriculture, the state park system, conservation of the state's natural resources, soil and water, wildlife, game refuges, and tourism and the promotion of tourism as a state industry.

4. The Committee on Appropriations shall report upon all bills and measures and questions referred to it pertaining to general appropriations and disbursement of public money.

5. The Committee on Civil and Criminal Jurisprudence shall consider, examine and report upon all matters and bills referred to it concerning civil procedure and all matters relating to the criminal laws of the state, criminal costs and all related matters. The committee shall also examine and report upon all matters and bills referred to it relating to probation or parole of persons sentenced under the criminal laws of the state.

6. The Committee on Commerce and Environment shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to the development of state commerce and the commercial sector, consumer protection, the development and conservation of energy resources and the disposal of solid, hazardous and nuclear wastes and other matters relating to environmental pollution.

7. The Committee on Education shall examine into and report upon all matters referred to it relating to all matters of education in the state, including the public schools, libraries, programs and institutions of higher learning, and shall examine and report on all propositions, memorials, petitions, or bills relating thereto.

8. The Committee on Financial and Governmental Organization, Veterans' Affairs and Elections shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to banks and banking, savings and loan associations and other financial institutions in the state. The committee shall also examine and report upon all bills and matters referred to it relating to the reorganization, establishment, consolidation or abolition of departments, boards, bureaus and commissions of state government, the internal operation of any state agency and the effect of federal legislation upon any state agency. The committee shall consider all questions and report on all bills, resolutions and on all matters referred to it relating to election law and to military organizations and all matters relating to the department of corrections including the state's penal institutions and training facilities and the sentencing of people to the department of corrections.

9. The Committee on Gubernatorial Appointments shall consider and report upon all gubernatorial appointments referred to it.

10. The Committee on Insurance and Housing shall take into consideration all matters referred to it relating to life, accident, indemnity and other forms of insurance, and all matters relating to urban renewal and housing.

11. The Committee on Interstate Cooperation shall consider all matters and examine and report on all bills and other matters referred to it which relate to interstate problems and cooperation.

12. The Committee on Judiciary shall consider all questions and bills relating to the judicial department of the state, examine the constitutionality of all bills referred to it by the senate, and examine into and report upon all matters and bills relating to the practice in the courts of this state and in which questions of law or equity may arise, and may consider, examine and report on all matters and bills referred to the committee relating to workers' compensation.

13. The Committee on Labor and Industrial Relations shall examine all matters and bills referred to it in relation to labor management, fair employment standards, workers' compensation and employment security within the state and shall examine any bills referred to it relating to industrial development and other matters relating to urban areas.

14. The Committee on Local Government and Economic Development shall consider all questions and report on all bills, resolutions and all other matters referred to it relating to community and business development, county government, township organizations and political subdivisions, and all bills referred to it relating to the promotion of economic development.

15. The Committee on Legislative Research (statutory) shall perform its statutory duties and other assignments made.

16. The Committee on Pensions and General Laws shall consider and report on all bills, resolutions and all other matters concerning retirement, pensions and pension plans which may be referred to it. The committee shall also examine and report upon all matters and bills referred to it concerning general topics.

17. The Committee on Public Health and Welfare shall consider, examine and report upon all matters and bills referred to it concerning income maintenance, social services, health care programs, alcoholism and drug abuse, medicaid, child support enforcement, disease control and prevention, hospital operation and alternative state health care proposals.

18. The Committee on Rules, Joint Rules, Resolutions and Ethics shall consider and report on all rules for the government of the senate and joint rules when requested by the senate, shall consider, examine and report upon all matters and bills referred to it relating to ethics and the conduct of public officials and employees, shall recommend to the Senate the rules by which investigations and disciplinary proceedings will be conducted, and shall examine and report upon all resolutions and other matters which may be appropriately referred to it. The committee shall see that bills and amendments are properly perfected and printed. The committee shall examine all Truly Agreed To and Finally Passed bills carefully, and report that the printed copies furnished the senators are correct. Upon the written request of the sponsor or floor handler of a bill, the committee may recommend that any such bill on the calendars for perfection or house bills on third reading be called up or considered out of order in which the bill appears on that calendar. A recommendation to consider bills out of order shall require approval by a majority of the committee with the concurrence of two-thirds of the senate members. No floor debate shall be allowed on the motion to adopt the committee report.

The Committee shall examine bills placed on the Consent Calendar and may, by majority vote, remove any bill from the consent calendar within the time period prescribed by Rule 45, that it determines is too controversial to be treated as a consent bill.

19. The Committee on State Budget Control shall consider all bills, except regular appropriation bills, which require new appropriations or expenditures of appropriated funds in excess of \$100,000, or which reduce such funds by that amount during either of the first two years that public funds will be used to fully implement the provisions of the Act. Any such senate bill, after having been approved by the regular standing committee to which it has been assigned and after the same has been perfected and ordered printed by the senate, shall thereafter be referred to the Committee on State Budget Control for its consideration prior to its submission to the senate for final passage thereof by the senate. Any such house bill after having been reported by the regular standing committee to which it was assigned shall be referred to the Committee on State Budget Control for its consideration prior to its being considered by the senate for third reading and final passage. Any senate or house bill, amended so as to increase expenditures or reduce revenue in excess of \$100,000 during either of the first two years that public funds will be used to fully implement its provisions shall upon timely motion be referred or re-referred to the Committee on State Budget Control. The author or first-named sponsor of a bill referred to the Committee on State Budget Control shall be entitled to a hearing on his bill but such committee hearing shall be limited to the reception of testimony presented by the author or first-named sponsor in person and none other. The Committee on State Budget Control may recommend the passage of a bill subject to the adoption of an amendment specifying a certain effective date proposed by the committee, and if such an amendment is not adopted the bill shall again be referred to that committee.

20. The Committee on Transportation shall consider, examine and report upon all matters and bills referred to it concerning roads, highways, bridges, airports and aviation, railroads, port authorities, and other means of transportation and matters relating to motor vehicles and drivers' licenses.

21. The Committee on Ways and Means shall consider, examine and report upon all matters and bills referred to it concerning the revenue and public debt of the state, and interest thereon, the assessment of real and personal property, the classification of property for taxation purposes and gaming.

Rule 29. 1. Senate offices and seats in the senate chamber shall be assigned by the committee on administration to the majority and minority caucuses. Each caucus shall make office and senate seat assignments on the basis of seniority as defined in this rule, unless otherwise determined within a caucus, except that Rooms 326 and 327 shall be known as the president pro tem's office and shall be occupied by the senate's president pro tem. Upon retirement from service as pro tem, that senator shall vacate the pro tem's office and shall have first choice of available vacant offices of his caucus, regardless of his seniority status. [Except for the outgoing president pro tem, who is required to vacate the designated pro tem's office, no senator shall be required to relinquish any office or seat once assigned to him.]

2. Seniority shall be determined by each caucus on the basis of length of service. Length of service means:

(a) Continuous senate service;

(b) In the case of equal continuous senate service, prior non-continuous senate service;

(c) In the case of equal continuous and prior non-continuous senate service, prior house service.

3. When two or more members of the same party have the same length of service, their respective seniority shall be determined by their party caucus.

Rule 44. Beginning on July first of each year, members and members-elect may deposit bills and joint resolutions for the next regular session with the secretary of the senate at any time. The secretary shall hold the bills and joint resolutions so deposited in the order filed. After the close of business on December first, the secretary shall assign numbers to bills and joint resolutions deposited in that office [by seniority of the member first signing the measure, with a limit of three bills or joint resolutions per rotation of the seniority list from the total number of measures] **as** deposited. All measures deposited through December first shall stand as pre-filed without further action by the member or member-elect. At the close of business on each day thereafter until the opening day of the session, bills and joint resolutions received during the day shall be assigned numbers in the same manner[, that is, by seniority from the total number of measures filed each day, with a limit of three bills or joint resolutions per rotation of the seniority list].

Once filed, bills and joint resolutions shall not be changed except to correct patent typographical, clerical or drafting errors that do not involve changes of substance, nor shall substitutions be made therefor. Any bill may be withdrawn but the number shall not be reassigned once a number has been given.

[Seniority for the purposes of this rule shall be determined as follows:

- (1) Continuous senate service;
- (2) In the case of equal continuous senate service, majority party members shall have seniority over minority party members;
- (3) In the case of equal continuous senate service by members of the same party, prior non-continuous senate service;
- (4) In the case of equal continuous and prior non-continuous senate service by members of the same party, prior house service;
- (5) In the case of equal continuous and equal prior non-continuous senate service and equal prior house service by members of the same party, seniority shall be determined by the caucus of that party.]

Rule 47. Each bill or joint resolution shall, before being finally acted upon by any committee, be submitted to the committee on legislative research for preparation of a fiscal note examining the cost of the proposed legislation to the state for the first two years that public funds will be used to fully implement the provisions of the Act, whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency, whether or not there is a federal mandate for the program or agency, whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state, or whether or not any new physical facilities will be required.

The fiscal note for a bill shall accompany the bill throughout its course of passage, and may from time to time be revised to reflect changes made in the bill prior to its presentation to the governor for his approval.

In addition, prior to a bill or joint resolution being acted upon by a committee, the sponsor, chairman of the committee to which the bill is assigned, and the president pro tem shall receive an analysis which shall state whether the bill or joint resolution creates, increases or decreases the following:

- (1) The authority to promulgate administrative rules or to adjudicate disputes;**
- (2) An entitlement to a government service or benefit;**
- (3) New responsibilities or obligations on private organizations or individuals;**
- (4) The accountability of an agency to the individuals it impacts;**
- (5) The responsibilities, costs or powers of an existing agency;**
- (6) State or local taxes or fees;**
- (7) Any required payment of a program's cost (implementation and/or operation) by a beneficiary thereof;**
- (8) Government interference (regulatory, statutory or constitutional) with any present lawful activity;**
- (9) Legal rights and obligations of family members; and**
- (10) Family participation in, and private alternatives to, any state sponsored program."**

REPORTS OF STANDING COMMITTEES

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 406**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Childers submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 575**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 543**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Singleton, Chairman of the Committee on Public Health and Welfare, Senator Kinder submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 377**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

REFERRALS

President Pro Tem Kinder referred **SS** for **SB 339** and **SCS** for **SB 374** to the Committee on State Budget Control.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Detective Jason Grellner, Washington County; Detective Steven Steen and Detective David Ryan, St. Louis County; and Officer Bob Curtis and Officer David Southard, Greene County.

Senator Wiggins introduced to the Senate, Steve Sparks, Dan Davidson, Tom Blando, Steve Unwin, Mike Doering, Chris Storm and members of St. Elizabeth Webelo Scout Pack 150, Kansas City; and Stuart Blando, Kevin Davidson, Wint Doering, Nicholas Faulconer, James Hart, David Leinen, Connor Quirk, Ryan Schmeltz, Garrison Smith, Everett Arruda, J.J. Gatschall, Patrick Kelly, Nicholas Owen, Stephen Sparks, Joe Storm, Luke Tapko, Zachary Tomlinson and Sam Unwin were made honorary pages.

Senator Quick introduced to the Senate, the Physician of the Day, Dr. James P. McGraw, M.D., Liberty.

Senator Cauthorn introduced to the Senate, Matt Parker, Andrew Scott, Terra Moon, Lora Berhorst and Patty Meldrum, Canton.

Senator Johnson introduced to the Senate, Beth and Kevin Hey, and their children, Joshua, Joel and Allison, Homeschoolers from Kansas City; and Joshua, Joel and Allison were made honorary pages.

Senator Bentley introduced to the Senate, Debra Menke and Ann Rash, Lee's Summit.

On behalf of Senator Klarich, the President

introduced to the Senate, Lyndell Coleman and twenty-five students from Potosi High School, Potosi.

Senator Kenney introduced to the Senate, his wife, Sandra, their daughter, Lizzy and students from Lee's Summit Community Christian School, Lee's Summit; and Ester Wood, Paul Christianson, Carolyn Mashburn, Amanda Keeton, Westin Miller and Kara Hansen were made honorary pages.

Senator Schneider introduced to the Senate, students from Walker Elementary School, Florissant; and Talisha Bowers, Sam Westerhold, Beth Ellis and Glenn Cofer were made honorary pages.

Senator Russell introduced to the Senate, parents, teachers and fourth grade students from Mallory Elementary School, Buffalo.

Senator Cauthorn introduced to the Senate, Jerry Johnson, Bruce Wilson, Barb Wilson, Steve Hobbs and John Isgrig, Mexico.

Senator Mathewson introduced to the Senate, Marilyn Schmidt, Pettis County.

Senator Westfall introduced to the Senate, Mr. and Mrs. Bill Rhoads and their children, Aaron and Arial, Nevada.

Senator Singleton introduced to the Senate, Ruth Buerge and Carl Bastin, Jasper County.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SECOND DAY-THURSDAY, MARCH 15, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and

Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and

Campbell

HB 157-Hosmer

HB 80-Ross

HCS for HB 50

HCS for HB 194

HS for HB 287-Williams

HB 218-Farnen, et al
HCS for HBs 265 & 369
HS for HCS for HBs 237,
270, 403 & 442-Smith
HB 502-Ward
HB 779-Barnett
HB 409-Surface
HB 452-Gratz
HB 242-Smith
HB 600-Hosmer and Marsh
HB 607-Treadway, et al
HB 470-Shields and
Hegeman
HB 491-George
HS for HB 381-Hoppe

THIRD READING OF SENATE BILLS

1. SB 97-Bentley
(In Budget Control)
2. SB 50-Childers
3. SCS for SB 317-Stoll
4. SS for SB 14-Mathewson
5. SS for SB 220-Kinder
6. SS#2 for SCS for SBs 39 &
269-Klarich
7. SB 381-Klarich

8. SS for SCS for SB 267-Klarich

9. SS for SCS for SB 48-Sims

10. SS for SB 339-Stoll

(In Budget Control)

11. SCS for SB 374-Steelman

(In Budget Control)

12. SB 400-Kenney, et al

SENATE BILLS FOR PERFECTION

1. SBs 69 & 458-Gross,

with SCS

2. SB 68-Gross and House,

with SCAs 1 & 2

3. SB 60-Steelman, with SCS

4. SBs 347 & 487-Caskey,

with SCS

5. SB 385-Mathewson

6. SB 331-DePasco, et al,

with SCS

7. SBs 5 & 21-Wiggins,

et al, with SCS

8. SB 373-Gibbons and

Yeckel, with SCS

9. SBs 433 & 248-Kinder

and Gross, with SCS

10. SB 462-Westfall

11. SB 428-Loudon

12. SB 27-Johnson and

Westfall, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 193-Rohrbach

SBs 214, 124, 209 & 322-

Gross, et al, with SCS

(pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS,

SA 6, SSA 1 for SA 6 &

SA 1 to SSA 1 for SA 6

(pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SBs 323 & 230-Childers,

et al, with SCS (pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 392-Kenney and DePasco

SB 438-Bentley and Stoll

SB 445-Singleton, with

SCS & SS for SCS (pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SJR 9-Goode, et al, with

SS (pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/6

SB 353-Johnson

Reported 3/12

SB 521-Mathewson

SB 605-Jacob

SB 434-Sims

SB 486-Yeckel, with SCS

SB 431-Goode and Cauthorn,
with SCS

SB 515-Yeckel, with SCS

SB 201-Sims

SB 526-Dougherty, with
SCS

Reported 3/13

SB 623-Westfall, with SCS

SB 520-Foster, with SCS

SB 319-Carter, with SCA 1

SB 284-Steelman, with SCS

SB 451-Goode

SB 460-Klarich

SB 307-Jacob

Reported 3/14

SB 556-DePasco

SB 470-Goode, et al, with

SCAs 1 & 2

SB 538-Yeckel

SB 563-Gibbons

SB 544-Johnson

SB 553-Klindt

SB 568-Mathewson, with SCS

SB 591-Kenney, with SCS

SB 610-Westfall

SB 617-Steelman, with SCS

SB 619-Mathewson, with SCS

SB 500-Mathewson

SB 406-Westfall

SB 575-Caskey

SB 543-Foster

SB 377-Singleton, with SCS

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with SCS

SCR 17-Steelman, et al

SCR 22-Rohrbach

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

(Gross)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SECOND DAY--THURSDAY, MARCH 15, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"You who seek God, let your hearts revive." (Psalm 69:32)

Dear Lord, as we prepare to take our Spring break help us to remember You alone can truly refresh us and renew our hearts, minds and souls. Help us to be open vessels to receive Your blessings that we may bless others about us. And help us to use this time away for re-creation and rest in You and spending time with those You have given us to love. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

Senator Scott moved that the Senate go into a Committee of the Whole for the purpose of discussing **SR 346**.

President Maxwell ordered the Senate into a Committee of the Whole and asked that the galleries be cleared.

Senator Schneider raised the point of order that the motion to resolve to a Committee of the Whole requires a vote of the body.

The point of order was referred to the President Pro Tem, who ruled it well taken.

The motion made by Senator Scott was again taken up.

Senator Klarich requested a roll call vote be taken on the motion made by Senator Scott and was joined in his request by Senators Gibbons, Loudon, Rohrbach and Westfall.

Senator Jacob was recognized to interrogate Senator Kinder.

Senator Klarich raised the point of order that the debate between Senator Kinder and Senator Jacob is out of order as the motion made by Senator Scott is a non-debatable motion.

The point of order was referred to the President Pro Tem.

At the request of Senator Scott, his motion was withdrawn, rendering the point of order moot.

RESOLUTIONS

Senator Kinder moved that **SR 346** be taken up for adoption, which motion prevailed.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 346, Page 8, Rule 29, by striking the brackets appearing therein.

Senator Schneider moved that the above amendment be adopted.

Senator Kenney was recognized to interrogate Senator House.

Senator Schneider raised the point of order that the debate between Senators Kenney and House was out of order as it had become bickering rather than debating.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Resolution No. 346, Page 508, Column 2 of the Senate Journal for Wednesday, March 14, 2001, Line 21 of said column, by inserting immediately after the word "rule" the following: "**except, beginning in the ninety-second session of the Missouri General Assembly for the president pro tem, the majority floor leader and the minority floor leader, who shall be assigned seats in the rear of the chamber**".

Senator DePasco moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Resolution No. 346, Page 8, Rule 29, Line 2, by striking "by the committee on administration to the" and by striking lines 3, 4 and 5 and substitute: "on the basis of seniority as defined in this Rule, except".

Senator Schneider moved that the above substitute amendment be adopted, which motion failed.

SA 2 was again taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Resolution No. 346, Page 10, Lines 23-26, by striking all of said lines and inserting in lieu thereof the following:

"The Division of Research shall analyze the effects of each bill and joint resolution referred to a committee of the Senate and such analysis, once complete, shall be distributed to the sponsor and the chairman of the committee and others as needed. The committee shall consider the analysis in its deliberation on each bill and joint resolution. The analysis shall state whether the bill or joint".

Senator Goode moved that the above amendment be adopted.

Senator House offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Resolution No. 346, Page 10, Rule 47, Lines 23-29 and Page 11, Lines 1-15, by deleting all of said lines.

Senator House moved that the above substitute amendment be adopted.

At the request of Senator Kinder, **SR 346**, with **SA 3** and **SSA 1** for **SA 3** (pending), was placed on the Resolution Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Scott B. Lakin, as Director of the Department of Insurance, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Quick moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Stephen M. Mahfood, as Director of the Department of Natural Resources, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Catherine B. Leapheart, as Director of the Department of Labor and Industrial Relations, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Steelman moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 99**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 514**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 384**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 130**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 588**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 266**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which were referred **SB 247** and **SB 330**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 542**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 540**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 351**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 268**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which were referred **SJR 1** and **SJR 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which were referred **SB 510**, **SB 512** and **SB 133**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SJR 11**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 574**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 551**, **SB 410**, **SB 539**, **SB 528** and **SB 296**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which were referred **SB 476**, **SB 427** and **SB 62**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 369**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 505**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 593**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SRB 606**, begs leave to report that it has considered the same and recommends that the revision bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 280**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 26, Page 411, Column 1 of the Senate Journal for Tuesday, March 6, 2001, Line 13 of said column, by inserting immediately after the word "Fund" the following: "and the committee shall prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the Governor and the General Assembly by January 15, 2002. The committee shall be authorized to function until January 15, 2002".

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 26**, entitled:

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to a loan repayment assistance program for teachers working in certain school districts, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 185**, entitled:

An Act to repeal sections 64.170, 64.180, 64.190 and 64.205, RSMo 2000, relating to building regulations in certain counties, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 166**, entitled:

An Act to repeal section 161.415, RSMo 2000, relating to minority teaching scholarships, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 107**, entitled:

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 738**, entitled:

An Act to repeal sections 367.100, 367.215, 367.500, 367.503, 367.506, 367.509, 367.512, 367.515, 367.518, 367.521, 367.524, 367.527, 367.530 and 408.500, RSMo 2000, relating to small loans, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 425**, entitled:

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 249**, entitled:

An Act to amend chapter 324, RSMo, by adding thereto five new sections relating to amusement machines.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 473**, entitled:

An Act to amend chapter 263, RSMo, by adding thereto one new section relating to noxious weeds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 334**, entitled:

An Act to repeal section 163.011, RSMo 2000, relating to definitions of the individual district tax rate used on line 1 of the funding formula for public schools, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 321**, entitled:

An Act to repeal section 92.402, RSMo 2000, relating to taxation for public mass transportation systems, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 421**, entitled:

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 444**, entitled:

An Act to repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 2000, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 453**, entitled:

An Act to repeal sections 292.606, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 444.765, 444.767, 444.770, 444.772, 444.773, 444.774, 444.775, 444.777, 444.778, 444.782, 444.784, 444.786, 444.787, 444.788 and 444.789, RSMo 2000, relating to environmental commissions and the collection of certain fees, and to enact in lieu thereof twenty-three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 347, regarding Bill O'Hara, Jr., Arnold, which was adopted.

Senator Stoll offered Senate Resolution No. 348, regarding Mark Wieners, Arnold, which was adopted.

Senator Stoll offered Senate Resolution No. 349, regarding Mike Atzert, Arnold, which was adopted.

Senator Klindt offered Senate Resolution No. 350, regarding Freedom of Road Riders, Incorporated, which was adopted.

Senator Wiggins offered Senate Resolution No. 351, regarding the death of Ann Trave Dunn, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 352, regarding Gregg and Heather Katz, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 353, regarding Edith Morgan, Kansas City, which was adopted.

COMMUNICATIONS

Senator Kenney submitted the following:

March 15, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the Senate Democratic Caucus.

A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Senator Mary Groves Bland
Senator Harold L. Caskey
Senator Patrick Dougherty
Senator Ted House
Senator Sidney Johnson
Senator Edward E. Quick
Senator John E. Scott
Senator Stephen Stoll

Senator Paula J. Carter
Senator Ronnie DePasco
Senator Wayne Goode
Senator Ken Jacob
Senator Jim Mathewson
Senator John D. Schneider
Senator Danny Staples
Senator Harry Wiggins

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Geraldine Rader, Genia Blunk, Annette Nichols, Mickey Myers and seventh grade students from Winona.

Senator Mathewson introduced to the Senate, Cindy Woolston and the Freshman Civics Class from Brunswick R-II School District, Chariton County; and Leanne Kinkhorst, Jacie DeWeese, Zachary Wahlbrink and John Case were made honorary pages.

Senator Stoll introduced to the Senate, his wife, Kathy, Festus; and Charles and Debby Campbell, DeSoto.

Senator Stoll introduced to the Senate, ninety students from Festus High School, Festus.

Senator Bentley introduced to the Senate, students from Greenwood Elementary School, Springfield.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Steve Gnatz, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 10:00 a.m., Wednesday, March 21, 2001.

SENATE CALENDAR

FORTY-THIRD DAY-WEDNESDAY, MARCH 21, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and Wagner

HCS for HBs 205, 323 &

549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and Campbell

HB 157-Hosmer

HB 80-Ross

HCS for HB 50

HCS for HB 194

HS for HB 287-Williams

HB 218-Farnen, et al

HCS for HBs 265 & 369

HS for HCS for HBs 237,

270, 403 & 442-Smith

HB 502-Ward

HB 779-Barnett

HB 409-Surface

HB 452-Gratz

HB 242-Smith

HB 600-Hosmer and Marsh

HB 607-Treadway, et al

HB 470-Shields and Hegeman

HB 491-George

HS for HB 381-Hoppe

HB 1-Green

HCS for HB 2

HCS for HB 3

HCS for HB 4

HCS for HB 5

HCS for HB 6

HCS for HB 7

HCS for HB 8

HCS for HB 9

HCS for HB 10

HCS for HB 11

HCS for HB 12

HCS for HB 26

HB 185-Legan, et al

HB 166-Troupe

HS for HCS for HB 107-Clayton

HCS for HB 738

HS for HCS for HB 425-O'Toole

HB 249-Treadway

HB 473-Robirds

HCS for HB 334

HB 321-Skaggs, et al

HS for HB 421-Hoppe

HB 444-Kreider, et al

HB 453-Ransdall, et al

THIRD READING OF SENATE BILLS

1. SB 97-Bentley

(In Budget Control)

2. SB 50-Childers

3. SCS for SB 317-Stoll

4. SS for SB 14-Mathewson

5. SS for SB 220-Kinder

6. SS#2 for SCS for SBs 39 &

269-Klarich

7. SB 381-Klarich

8. SS for SCS for SB 267-

Klarich

9. SS for SCS for SB 48-Sims

10. SS for SB 339-Stoll

(In Budget Control)

11. SCS for SB 374-Steelman

(In Budget Control)

12. SB 400-Kenney, et al SENATE BILLS FOR PERFECTION

1. SBs 69 & 458-Gross,

with SCS

2. SB 68-Gross and House,

with SCAs 1 & 2

3. SB 60-Steelman, with SCS

4. SBs 347 & 487-Caskey,
with SCS
5. SB 385-Mathewson
6. SB 331-DePasco, et al,
with SCS
7. SBs 5 & 21-Wiggins,
et al, with SCS
8. SB 373-Gibbons and
Yeckel, with SCS
9. SBs 433 & 248-Kinder
and Gross, with SCS
10. SB 462-Westfall
11. SB 428-Loudon
12. SB 27-Johnson and
Westfall, with SCS
13. SB 99-Sims, with SCS
14. SBs 247 & 330-
Westfall and
Staples, with SCS
15. SB 351-Singleton and
Scott, with SCS
16. SJRs 1 & 4-Schneider,
with SCS
17. SBs 510, 512 & 133-
Kenney, with SCS
18. SJR 11-Yeckel
19. SBs 551, 410, 539,

528 & 296-Sims,

with SCS

20. SBs 476, 427 & 62-

Yeckel, et al, with SCS

21. SB 369-Steelman and

Stoll, with SCS

22. SB 505-Loudon, with SCS INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 193-Rohrbach

SBs 214, 124, 209 & 322-

Gross, et al, with SCS

(pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with
SCS

SBs 238 & 250-Staples, et
al, with SCS (pending)

SB 239-Stoll, with SCS,
SA 6, SSA 1 for SA 6 &
SA 1 to SSA 1 for SA 6

(pending)

SB 251-Kinder

SBs 253 & 260-Gross, with
SCS (pending)

SBs 323 & 230-Childers,
et al, with SCS (pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS

(pending)

SB 392-Kenney and DePasco

SB 438-Bentley and Stoll

SB 445-Singleton, with SCS
& SS for SCS (pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SJR 9-Goode, et al, with

SS (pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/6

SB 353-Johnson

Reported 3/12

SB 521-Mathewson

SB 605-Jacob

SB 434-Sims

SB 486-Yeckel, with SCS

SB 431-Goode and Cauthorn,
with SCS

SB 515-Yeckel, with SCS

SB 201-Sims

SB 526-Dougherty, with
SCS

Reported 3/13

SB 623-Westfall, with SCS

SB 520-Foster, with SCS

SB 319-Carter, with SCA 1

SB 284-Steelman, with SCS

SB 451-Goode

SB 460-Klarich

SB 307-Jacob Reported 3/14

SB 556-DePasco

SB 470-Goode, et al, with
SCAs 1 & 2

SB 538-Yeckel

SB 563-Gibbons

SB 544-Johnson

SB 553-Klindt

SB 568-Mathewson, with SCS

SB 591-Kenney, with SCS

SB 610-Westfall

SB 617-Steelman, with SCS

SB 619-Mathewson, with SCS

SB 500-Mathewson

SB 406-Westfall

SB 575-Caskey

SB 543-Foster

SB 377-Singleton, with SCS Reported 3/15

SB 514-Singleton, with SCS

SB 384-House, with SCS

SB 130-Bland

SB 588-Dougherty and Stoll

SB 266-Bland, et al, with SCS

SB 542-Klindt

SB 540-Klindt

SB 268-Schneider, with SCS

SB 574-Dougherty, with SCS

SB 593-Klindt, with SCS

SRB 606-Rohrbach and

Gibbons RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3 (pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with

SCS

SCR 17-Steelman, et al

SCR 22-Rohrbach

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

(Gross)

SR 280-Steelman

SCR 26-Stoll, et al, with

SCA 1 Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-THIRD DAY--WEDNESDAY, MARCH 21, 2001

The Senate met pursuant to adjournment.

Senator Rohrbach in the Chair.

RESOLUTIONS

On behalf of Senator Kinder, Senator Rohrbach offered Senate Resolution No. 354, regarding Harry Maurice Howard, Sikeston, which was adopted.

On behalf of Senator Kinder, Senator Rohrbach offered Senate Resolution No. 355, regarding Margaret Williams, Sikeston, which was adopted.

On behalf of Senator Kinder, Senator Rohrbach offered Senate Resolution No. 356, regarding Justin Lamar Griffin, Sikeston, which was adopted.

On behalf of Senator Kinder, Senator Rohrbach offered Senate Resolution No. 357, regarding Linda Boyd, Sikeston, which was adopted.

On behalf of Senator Kinder, Senator Rohrbach offered Senate Resolution No. 358, regarding Kenya J. Marshall, Sr., Sikeston, which was adopted.

On behalf of Senator Kinder, Senator Rohrbach offered Senate Resolution No. 359, regarding Donna Morgan, Sikeston, which was adopted.

On behalf of Senator Kenney, Senator Rohrbach offered Senate Resolution No. 360, regarding Todd Michael Miller, Lee's Summit, which was adopted.

Senator Rohrbach offered Senate Resolution No. 361, regarding Charles D. Coon, Jefferson City, which was adopted.

On behalf of Senator Quick, Senator Rohrbach offered Senate Resolution No. 362, regarding Robert Talbot Sevier, Clay County, which was adopted.

On behalf of Senator Kenney, Senator Rohrbach offered Senate Resolution No. 363, regarding Stan Elliott, Lee's Summit, which was adopted.

On behalf of Senator Westfall, Senator Rohrbach offered Senate Resolution No. 364, regarding Frank Wiles, Pleasant Hope, which was adopted.

On behalf of Senator Schneider, Senator Rohrbach offered Senate Resolution No. 365, regarding Colleen F. Roche, Bellefontaine Neighbors, which was adopted.

On behalf of Senator Schneider, Senator Rohrbach offered Senate Resolution No. 366, regarding Pat and Glen Risinger, Bridgeton, which was adopted.

On behalf of Senator Yeckel, Senator Rohrbach offered Senate Resolution No. 367, regarding Angela M. Fletcher, St. Louis, which was adopted.

On behalf of Senator Yeckel, Senator Rohrbach offered Senate Resolution No. 368, regarding Denise A. Fesanco, St. Louis, which was adopted.

On behalf of Senator Westfall, Senator Rohrbach offered Senate Resolution No. 369, regarding the One Hundredth Birthday of Mrs. Grace Smith, Strafford, which was adopted.

On behalf of Senator Childers, Senator Rohrbach offered Senate Resolution No. 370, regarding Jason W. Smith, Branson, which was adopted.

On behalf of Senator Caskey, Senator Rohrbach offered Senate Resolution No. 371, regarding Harriett Wagner, Warrensburg, which was adopted.

Senator Rohrbach offered Senate Resolution No. 372, regarding Elizabeth C. "Betty" White, Kaiser, which was adopted.

On motion of Senator Rohrbach, the Senate adjourned until 11:00 a.m., Monday, March 26, 2001.

SENATE CALENDAR

FORTY-FOURTH DAY-MONDAY, MARCH 26, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and Wagner

HCS for HBs 205, 323 & 549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &
88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and Campbell

HB 157-Hosmer

HB 80-Ross

HCS for HB 50

HCS for HB 194

HS for HB 287-Williams

HB 218-Farnen, et al

HCS for HBs 265 & 369

HS for HCS for HBs 237,
270, 403 & 442-Smith

HB 502-Ward

HB 779-Barnett

HB 409-Surface

HB 452-Gratz

HB 242-Smith

HB 600-Hosmer and Marsh

HB 607-Treadway, et al

HB 470-Shields and Hegeman

HB 491-George

HS for HB 381-Hoppe

HB 1-Green

HCS for HB 2

HCS for HB 3

HCS for HB 4

HCS for HB 5

HCS for HB 6

HCS for HB 7

HCS for HB 8

HCS for HB 9

HCS for HB 10

HCS for HB 11

HCS for HB 12

HCS for HB 26

HB 185-Legan, et al

HB 166-Troupe

HS for HCS for HB 107-Clayton

HCS for HB 738

HS for HCS for HB 425-O'Toole

HB 249-Treadway

HB 473-Robirds

HCS for HB 334

HB 321-Skaggs, et al

HS for HB 421-Hoppe

HB 444-Kreider, et al

HB 453-Ransdall, et al THIRD READING OF SENATE BILLS

1. SB 97-Bentley

(In Budget Control)

2. SB 50-Childers

3. SCS for SB 317-Stoll

4. SS for SB 14-Mathewson

5. SS for SB 220-Kinder

6. SS#2 for SCS for SBs 39 &

269-Klarich

7. SB 381-Klarich

8. SS for SCS for SB 267-

Klarich

9. SS for SCS for SB 48-Sims

10. SS for SB 339-Stoll

(In Budget Control)

11. SCS for SB 374-Steelman

(In Budget Control)

12. SB 400-Kenney, et al

SENATE BILLS FOR PERFECTION

1. SBs 69 & 458-Gross,
with SCS

2. SB 68-Gross and House,
with SCAs 1 & 2

3. SB 60-Steelman, with SCS

4. SBs 347 & 487-Caskey,
with SCS

5. SB 385-Mathewson

6. SB 331-DePasco, et al,
with SCS

7. SBs 5 & 21-Wiggins,
et al, with SCS

8. SB 373-Gibbons and
Yeckel, with SCS

9. SBs 433 & 248-Kinder
and Gross, with SCS

10. SB 462-Westfall

11. SB 428-Loudon

12. SB 27-Johnson and
Westfall, with SCS

13. SB 99-Sims, with SCS

14. SBs 247 & 330-
Westfall and

Staples, with SCS

15. SB 351-Singleton and
Scott, with SCS

16. SJRs 1 & 4-Schneider,

with SCS

17. SBs 510, 512 & 133-

Kenney, with SCS

18. SJR 11-Yeckel

19. SBs 551, 410, 539,

528 & 296-Sims,

with SCS

20. SBs 476, 427 & 62-

Yeckel, et al, with SCS

21. SB 369-Steelman and

Stoll, with SCS

22. SB 505-Loudon, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 193-Rohrbach

SBs 214, 124, 209 & 322-

Gross, et al, with SCS

(pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS,

SA 6, SSA 1 for SA 6 &

SA 1 to SSA 1 for SA 6

(pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SBs 323 & 230-Childers,

et al, with SCS (pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 392-Kenney and DePasco

SB 438-Bentley and Stoll

SB 445-Singleton, with SCS

& SS for SCS (pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SJR 9-Goode, et al, with

SS (pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott, with SCS

Reported 3/6

SB 353-Johnson

Reported 3/12

SB 521-Mathewson

SB 605-Jacob

SB 434-Sims

SB 486-Yeckel, with SCS

SB 431-Goode and Cauthorn,
with SCS

SB 515-Yeckel, with SCS

SB 201-Sims

SB 526-Dougherty, with
SCS

Reported 3/13

SB 623-Westfall, with SCS

SB 520-Foster, with SCS

SB 319-Carter, with SCA 1

SB 284-Steelman, with SCS

SB 451-Goode

SB 460-Klarich

SB 307-Jacob Reported 3/14

SB 556-DePasco

SB 470-Goode, et al, with

SCAs 1 & 2

SB 538-Yeckel

SB 563-Gibbons

SB 544-Johnson

SB 553-Klindt

SB 568-Mathewson, with SCS

SB 591-Kenney, with SCS

SB 610-Westfall

SB 617-Steelman, with SCS

SB 619-Mathewson, with SCS

SB 500-Mathewson

SB 406-Westfall

SB 575-Caskey

SB 543-Foster

SB 377-Singleton, with SCS Reported 3/15

SB 514-Singleton, with SCS

SB 384-House, with SCS

SB 130-Bland

SB 588-Dougherty and Stoll

SB 266-Bland, et al, with SCS

SB 542-Klindt

SB 540-Klindt

SB 268-Schneider, with SCS

SB 574-Dougherty, with SCS

SB 593-Klindt, with SCS

SRB 606-Rohrbach and

Gibbons RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3 (pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with

SCS

SCR 17-Steelman, et al

SCR 22-Rohrbach

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

(Gross)

SR 280-Steelman

SCR 26-Stoll, et al, with

SCA 1 Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House
recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FOURTH DAY--MONDAY, MARCH 26, 2001

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1--Appropriations.

HCS for HB 2--Appropriations.

HCS for HB 3--Appropriations.

HCS for HB 4--Appropriations.

HCS for HB 5--Appropriations.

HCS for HB 6--Appropriations.

HCS for HB 7--Appropriations.

HCS for HB 8--Appropriations.

HCS for HB 9--Appropriations.

HCS for HB 10--Appropriations.

HCS for HB 11--Appropriations.

HCS for HB 12--Appropriations.

On motion of Senator Kenney, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Reverend Carl Gauck offered the following prayer:

"Be glad and rejoice forever in what I am creating." (Isaiah 65:18)

Dear God, we are grateful for the time off this past week for re-creating us, that our minds and bodies might be restored with vigor and energy. We thank You for the nourishment of Your word for re-creating our souls that we might be always mindful that what is important to You is that our work here is in keeping with Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 15, 2001 and Wednesday, March 21, 2001, were read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Carter		Singleton--2	
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 373, regarding Whitney M. Evans, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 374, regarding Teresa Tellman, Jefferson City, which was adopted.

Senator Steelman offered Senate Resolution No. 375, regarding John C. Harris, Sr., Fulton, which was adopted.

Senator Schneider offered Senate Resolution No. 376, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Rohde, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 377, regarding Helge Winters, Hamm, Germany, which was adopted.

Senator Westfall offered Senate Resolution No. 378, regarding the Stockton High School 2A Lady Basketball Tigers, which was adopted.

Senator Westfall offered Senate Resolution No. 379, regarding the Liberal High School 1A Boys Basketball Bulldogs, which was adopted.

Senator DePasco offered Senate Resolution No. 380, regarding the death of Eleanor L. Sarver O'Connor, Kansas City, which was adopted.

Senator Westfall offered Senate Resolution No. 381, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jesse Pursley, Bolivar, which was adopted.

Senator Yeckel offered Senate Resolution No. 382, regarding Patricia A. Seabaugh, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 383, regarding John Andrew Edwards, St. Louis, which was adopted.

Senator Klindt offered Senate Resolution No. 384, regarding Suzanne McCrea, King City, which was adopted.

Senator Jacob offered Senate Resolution No. 385, regarding Bobby H. Crowley, Fayette, which was adopted.

Senator Jacob offered Senate Resolution No. 386, regarding Gustav J. "Gus" Lehr, Columbia, which was adopted.

Senator Rohrbach offered Senate Resolution No. 387, regarding Dorothy Ann Oligschlaeger, Jefferson City, which was adopted.

Senator House offered Senate Resolution No. 388, regarding Eleanor Sue Smith Sitton, Louisiana, which was adopted.

Senator Russell offered Senate Resolution No. 389, regarding William D. Breedlove, Rogersville, which was adopted.

THIRD READING OF SENATE BILLS

SB 353, introduced by Senator Johnson, entitled:

An Act to repeal section 163.011, RSMo 2000, relating to recalculated tax rates for school districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 353** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	Quick	Stoll--3	
Absent with leave--Senators			
Carter	Schneider	Singleton--3	

The President declared the bill passed.

Senator Klarich assumed the Chair.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 521, introduced by Senator Mathewson, entitled:

An Act to repeal section 287.123, RSMo 2000, relating to workers' compensation insurance carriers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 521** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn

Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Quick Scott--2

Absent with leave--Senators

Carter Schneider Singleton--3

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 605, introduced by Senator Jacob, entitled:

An Act to repeal section 384.043, RSMo 2000, relating to surplus lines insurance, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 605** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senator Bentley--1		
	Absent with leave--Senators		
Carter	Schneider	Singleton--3	

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 434, introduced by Senator Sims, entitled:

An Act to repeal sections 191.211 and 191.411, RSMo 2000, relating to funding for department of health programs, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 434** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senator Dougherty--1			
Absent with leave--Senators			
Carter	Schneider	Singleton--3	

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 486, with **SCS**, introduced by Senator Yeckel, entitled:

An Act to repeal section 321.703, RSMo 2000, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, relating to fire protection districts, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 486**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 486

An Act to repeal section 321.703, RSMo 2000, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, relating to fire protection districts, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 486** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 486** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Goode--1			
Absent--Senators			
Dougherty	Sims--2		
Absent with leave--Senators			
Carter	Schneider	Singleton--3	

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SJR 9**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SJR 9** was again taken up.

Senator Goode moved that **SS** for **SJR 9** be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SJR 9** was declared perfected and ordered printed.

Senator Bentley moved that **SB 438** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Bentley offered **SS** for **SB 438**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 438

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to salary supplements for nationally-certified classroom instructional personnel.

Senator Bentley moved that **SS** for **SB 438** be adopted.

President Maxwell assumed the Chair.

Senator Bentley offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 438, Page 1, Section 168.700, Line 5 of said page, by inserting after the word "of" the word "**annual**"; and further amend said line, by inserting after the word "for" the word "**eligible**"; and further amend line 10 of said page, by inserting after "certification." the following: "**Supplements may be received for a period of ten years following subsequent certifications from the National Board for Professional Teaching Standards; provided that no teacher shall receive more than one supplement per school year pursuant to this section.**"; and further amend line 15 of said page, by inserting after the word "employed" the words "**as a teacher**".

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 438, Page 2, Section 168.700, Line 21, by deleting all of line 21 after the period and lines 22, 23 and that portion of line 24 to and including the period on said line; and

Further amend line 24, by deleting the word "**shall**" and insert the word "**may**" in lieu thereof; and

Further amend said bill, page 3, line 22, by inserting after the period on said line the following:

"9. Any amount awarded under this section may be reduced or prorated subject to appropriation."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Foster offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 438, Page 1, Section A, Line 3, by inserting after all of said line the following:

"163.172. 1. In school year 1994-95 and thereafter, the minimum teacher's salary shall be eighteen thousand dollars. Beginning in the school year 1996-97, for any full-time teacher with a master's degree and at least ten years teaching experience in a public school or combination of public schools, the minimum salary shall be twenty-four thousand dollars.

2. Beginning with the budget requests for fiscal year 1991, the commissioner of education shall present to the appropriate committees of the general assembly information on the average Missouri teacher's salary, regional average salary data, and national average salary data **and a history of the cost to the state for the minimum salary for teachers program.**

3. **As used in this section, the following terms mean:**

(1) "**Full-time**", a teacher working under school district contract for all school days and hours eligible for attendance of students;

(2) "**Master's degree or its equivalent**", at a minimum, a bachelor's degree plus at least thirty-two additional hours of course work which results in at least one additional certification;

(3) "**Regular school term**", a minimum of one hundred seventy-four days and one thousand forty-four hours of

pupil attendance possible for students;

(4) "Salary", the salary and minimum salary supplement amounts which appear on the teacher's contract for the regular school term. Such term does not include supplements for extra duties, summer school, career ladder, or extensions of the contract year;

(5) "Teacher", all certificated school district personnel paid pursuant to the school district teacher salary schedule.

4. All school district employee salary and personnel policy information shall be public information.

[4. As used in this section, the term "salary" shall be defined as the salary figure which appears on the teacher's contract and as determined by the local school district's basic salary schedule and does not include supplements for extra duties.]

5. The minimum salary for any fully certificated teacher employed on a less than full-time basis by a school district, state school for the severely handicapped, the Missouri School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts provided in subsections 1 and [2] **10** of this section.

[6. Beginning with the 1996-97 school year, the general assembly shall make an annual appropriation to the excellence in education fund established in section 160.268, RSMo, for the purpose of fulfilling the minimum salary requirements for public school teachers in those districts meeting the qualifications established in subsection 7 of this section. The appropriation shall be sufficient to ensure that all qualifying districts are able to comply with the minimum salary requirements of this section. The department of elementary and secondary education shall determine, prior to each school year, those districts which shall be eligible to receive funds in this subsection during the school year. A qualifying district shall be eligible to receive funds appropriated in this subsection only during the first three years following the district's qualifying for such funds.

7. To qualify to begin receiving funds in subsection 6 of this section, a school district shall meet all of the following criteria:

(1) A portion of the real property of the district shall have been removed from the tax rolls due to the impact of state or federal government action;

(2) The district shall have received no more state aid on a per pupil basis for each of the last three school years, exclusive of categorical funding, than the district received for the 1992-93 school year;

(3) The salaries paid to all teachers in the district for the school year prior to qualification shall be totally compacted at the eighteen thousand dollar per year minimum established in this section;

(4) The district shall have in its employ for the school year prior to qualification one or more teachers with a master's degree and at least ten years' teaching experience in a public school or a combination of public schools;

(5) The district shall be financially distressed or have a history of deficit spending which, if continued, will cause the district to become financially distressed within three years;

(6) The district had an enrollment of no greater than four hundred pupils for the preceding school year; and

(7) The district shall have levied an operating levy for school purposes of not less than two dollars seventy-five cents per one hundred dollars of assessed valuation for the previous year and shall continue to levy at no less than that rate.

8. For any school year in which a school district receives funds pursuant to subsections 6 and 7 of this section, such school district shall continue to expend on teacher salaries no less than the amount it expended on teacher salaries in the school year immediately prior to the school year in which it first receives such funds.

9. No school district receiving funds pursuant to subsections 6 and 7 of this section shall receive additional funds pursuant to subsection 6 of this section by virtue of the annexation of another school district to such school district during or after the school year immediately prior to the school year in which the annexing district first receives such funds; nor shall any school district annexed to a school district receiving funds pursuant to subsections 6 and 7 of this section also receive funds pursuant to subsection 6 of this section by virtue of such annexation if such annexation occurred during or after the school year immediately prior to the school year in which the annexing school district first receives such funds.]

6. Beginning with the 2002-2003 school year, for districts choosing to participate in the program receiving funds pursuant to subsection 7 of this section, the minimum salary for a full-time teacher shall be at least twenty-five thousand dollars, the minimum salary for the full-time teacher with at least five years of previous experience shall be at least thirty thousand dollars, the minimum salary for a full-time teacher with at least nineteen years of previous experience or a full-time teacher with at least a master's degree or its equivalent and at least ten years previous experience shall be at least thirty-five thousand dollars, the minimum salary for a full-time teacher with at least a master's degree or its equivalent and at least nineteen years of previous experience shall be at least forty thousand dollars, and the minimum salary for a full-time teacher with at least a master's degree or its equivalent and at least twenty-nine years of previous experience shall be at least forty-five thousand dollars.

7. Beginning with the 2002-2003 school year, the general assembly shall make an annual appropriation to the excellence in education fund established in section 160.268, RSMo, for the purpose of paying public school teacher minimum salary supplements in those districts meeting the qualifications established in subsection 8 of this section and seeking to receive payments pursuant to this subsection. If the appropriation of the general assembly is insufficient to pay the total cost of all salary supplements, the minimum salary amounts of subsection 6 of this section shall be prorated until the amount appropriated is sufficient to make the payments to all participating school districts.

8. To make application and qualify to begin receiving funds pursuant to subsection 7 of this section, a school district shall meet all of the following criteria:

(1) Levy a tax rate in the current year in incidental and teachers funds totaling no less than the operating levy for school purposes for the 2000-2001 school year after all reductions and rollbacks, excluding reductions to the district tax rate ceiling as required by article X, section 22 of the Missouri constitution;

(2) Make no increase in any voluntary tax rate rollback for operations compared to the 2000 property tax year;

(3) Make no transfer of revenue or balance from either incidental or teachers funds to either debt service or capital projects funds in excess of statutory authority;

(4) Employ all teachers in accordance with district policy with at least one teacher paid according to the district's salary schedule at less than the minimum salary as specified in subsection 6 of this section;

(5) Make no reduction in any salary amount in the district's teacher salary schedule compared to the district's 2000-2001 teacher salary schedule unless the district is financially stressed as identified by the department of elementary and secondary education;

(6) Beginning with school year 2002-2003, determine the salary of any teacher who is a new employee to a school district by placement on the district's salary schedule using all of the teacher's previous years of public school teaching experience; and

(7) Beginning with school year 2002-2003, for any school district which is not financially stressed, pay each returning teacher a salary for the regular school term which is no less than the salary paid that teacher during the previous school term on a full-time employee equivalent basis.

9. Reductions or penalties to state aid payments to school districts pursuant to subsection 7 of this section

paying minimum salary supplements to teachers shall occur under the following conditions:

(1) Annually the amount by which total supplemental assignment and extra duty salaries, not including career ladder supplements, paid teachers by a district exceed eight and one-half percent of total salaries for the regular school term plus minimum salary supplements shall be subtracted from state payments made the following year pursuant to subsection 7 of this section;

(2) The amount of end-of-year fund balance in incidental and teachers funds combined in excess of the greater of fifteen percent of expenditures in these funds or the 2000-2001 end-of-year fund balance in these funds shall be subtracted the following year from state payments paid pursuant to subsection 7 of this section and if necessary from state aid paid pursuant to section 163.031.

10. Future increases in minimum salaries established pursuant to subsection 6 of this section for teachers shall be contingent upon decreases in total state payments to all districts made pursuant to subsection 7 of this section. The second fiscal year following a fiscal year in which state cost of funding the minimum salary program pursuant to subsection 7 of this section is eighty-five percent or less of the full funding cost for the first school year of the state funding of minimum salaries for teachers pursuant to subsection 7 of this section, the value of each level of minimum salary provided in subsection 6 of this section shall be increased by one thousand dollars.

11. Expenditures related to state minimum salary revenue received by a district shall not be used to determine compliance with any other provisions of law including compliance with section 165.016, RSMo.

12. The state board of education shall issue rules and regulations as necessary for the efficient and effective implementation of this section. All such rules shall be promulgated pursuant to chapter 536, RSMo.

13. State minimum salary supplements paid pursuant to subsection 7 of this section may be funded from any increases in state revenues from taxation of riverboat gaming operations, including boarding fees and lottery proceeds, compared to the amount of these revenues appointed in fiscal year 2001 and any other funds appropriated for that purpose."; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted.

At the request of Senator Bentley, **SB 438**, with **SS** and **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 15**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 27**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 377**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 588**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 268**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 574**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 593**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 603**, entitled:

An Act to repeal section 660.050, RSMo 2000, relating to the division of aging, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 742**, entitled:

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 361**, entitled:

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission,

with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 808**, entitled:

An Act to authorize the conveyance of two parcels of property owned by the state in Cole County to the City of Jefferson for the purpose of wastewater treatment.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 691**, entitled:

An Act to repeal section 301.040, RSMo 2000, relating to notification of motor vehicle reregistration, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 212**, entitled:

An Act to repeal section 375.355, RSMo 2000, relating to insurance companies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 788**, entitled:

An Act to repeal sections 407.1000, 407.1005, 407.1010, 407.1015 and 407.1020, RSMo 2000, relating to motorcycle franchise practices.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 454**, entitled:

An Act to repeal section 475.110, RSMo 2000, relating to the removal of a guardian or conservator, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 757**, entitled:

An Act to repeal sections 338.030, 338.043, 338.055, 338.210, 338.220, 338.285 and 338.353, RSMo 2000, relating to practice of pharmacy, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 477**, entitled:

An Act to repeal sections 302.130 and 302.178, RSMo 2000, relating to temporary driver's permits, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Frances Afua Bromley, 2149 Alfred, Apartment 2 South, St. Louis City, Missouri 63110, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sarah B. Burkemper, Democrat, 85 Hill Creek Road, Post Office Box 209, Troy, Lincoln County, Missouri 63379, as a member of the Board of Governors for the Truman State University, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Marie Evans, M.D., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Louise Bussabarger, 1914 Princeton Drive, Columbia, Boone County, Missouri 65203, as a member of the State Mental Health Commission, for a term ending June 28, 2002, and until her successor is duly appointed and qualified; vice, Dr. James Caccamo, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol Russell Fischer, 1025 Carol Street, Jefferson City, Cole County, Missouri 65101, as a member of the Multi-State Tax Commission, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Quentin Wilson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth M. Kielty, Democrat, 1009 Devonshire Lane, St. Charles, St. Charles County, Missouri 63301, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2005, and until his successor is duly appointed and qualified; vice, Jayne Voss, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ross P. Marine, Democrat, 11728 Central Street, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 2003, and until his successor is duly appointed and qualified; vice, John F. Goffstein, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph E. Maxwell, Democrat, #5 Terrace Circle, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Roger B. Wilson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald L. Phillips, M.D., Democrat, 1700 South Cottage Grove, Kirksville, Adair County, Missouri 63501, as a member of the State Board of Registration for Healing Arts, for a term ending August 13, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Clifford L. Sargeon, 8300 Evanston Avenue, Raytown, Jackson County, Missouri 64138, as a member of the State Mental Health Commission, for a term ending June 28, 2004, and until his successor is duly appointed and qualified; vice, Maurice Joseph Nutt, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael T. Schwend, Democrat, 1409 East Meadow Lane, Kirksville, Adair County, Missouri 63501, as a member of the Board of Governors for Truman State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, James Reinhard, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas L. Sutton, Republican, 27574 274 Street, Maryville, Nodaway County, Missouri 64468, as a member of the Board of Regents for Northwest Missouri State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Robert E. Loch, Jr., resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 23, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angela M. Bennett, Democrat, 631 East 66th Street, Kansas City, Jackson County, Missouri 64131, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Theodore Beckett, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 23, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anne Carole Ream, O.D., Republican, 418 East Maple, West Plains, Howell County, Missouri 65775, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Paul Combs, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, John Schaefer, Springfield.

Senator Klindt introduced to the Senate, his niece and her family, Shana, David, Destinee and Darian Day, Kearney; and his son and his family, Randy, Karen, Ashton and Landon Klindt, Bethany; and Ashton, Landon, Destinee and Darian were made honorary pages.

Senator Sims introduced to the Senate, her daughter, Betsy Duff, and her grandchildren, Patrick and Maggie Duff, McLean, Virginia; and Patrick and Maggie were made honorary pages.

Senator Schneider introduced to the Senate, seventh grade students from Salem Lutheran School, Florissant; and Ashley Williams, Kyle Jeffrey, Avianne Clay and Sylvia Petty were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-FIFTH DAY-TUESDAY, MARCH 27, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and

Wagner

HCS for HBs 205, 323 &

549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and

Campbell

HB 157-Hosmer

HB 80-Ross

HCS for HB 50

HCS for HB 194

HS for HB 287-Williams

HB 218-Farnen, et al

HCS for HBs 265 & 369

HS for HCS for HBs 237,

270, 403 & 442-Smith

HB 502-Ward

HB 779-Barnett

HB 409-Surface

HB 452-Gratz

HB 242-Smith

HB 600-Hosmer and Marsh

HB 607-Treadway, et al

HB 470-Shields and Hegeman

HB 491-George

HS for HB 381-Hoppe

HCS for HB 26

HB 185-Legan, et al

HB 166-Troupe

HS for HCS for HB 107-Clayton

HCS for HB 738

HS for HCS for HB 425-O'Toole

HB 249-Treadway

HB 473-Robirds

HCS for HB 334

HB 321-Skaggs, et al

HS for HB 421-Hoppe
HB 444-Kreider, et al
HB 453-Ransdall, et al
HB 603-Hilgemann, et al
HB 742-Harding, et al
HB 361-Shoemyer
HB 808-Gratz and Vogel
HB 691-Barnett, et al
HB 212-Ward
HB 788-O'Connor
HB 454-Monaco

HB 757-Shoemyer
HB 477-Graham

THIRD READING OF SENATE BILLS

1. SB 97-Bentley
(In Budget Control)
2. SB 50-Childers
3. SCS for SB 317-Stoll
4. SS for SB 14-Mathewson
5. SS for SB 220-Kinder
6. SS#2 for SCS for SBs
39 & 269-Klarich
7. SB 381-Klarich

8. SS for SCS for SB 267-

Klarich

9. SS for SCS for SB 48-

Sims

10. SS for SB 339-Stoll

(In Budget Control)

11. SCS for SB 374-Steelman

(In Budget Control)

12. SB 400-Kenney, et al

SENATE BILLS FOR PERFECTION

1. SBs 69 & 458-Gross,

with SCS

2. SB 68-Gross and House,

with SCAs 1 & 2

3. SB 60-Steelman, with SCS

4. SBs 347 & 487-Caskey,

with SCS

5. SB 385-Mathewson

6. SB 331-DePasco, et al,

with SCS

7. SBs 5 & 21-Wiggins,

et al, with SCS

8. SB 373-Gibbons and

Yeckel, with SCS

9. SBs 433 & 248-Kinder

and Gross, with SCS

10. SB 462-Westfall

11. SB 428-Loudon

12. SB 27-Johnson and

Westfall, with SCS

13. SB 99-Sims, with SCS

14. SBs 247 & 330-

Westfall and Staples,

with SCS

15. SB 351-Singleton and

Scott, with SCS

16. SJRs 1 & 4-Schneider,

with SCS

17. SBs 510, 512 & 133-

Kenney, with SCS

18. SJR 11-Yeckel

19. SBs 551, 410, 539,

528 & 296-Sims,

with SCS

20. SBs 476, 427 & 62-

Yeckel, et al, with

SCS

21. SB 369-Steelman and

Stoll, with SCS

22. SB 505-Loudon, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 15, with SCS (Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers, with

SCS and SA 3 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 193-Rohrbach

SBs 214, 124, 209 & 322-

Gross, et al, with SCS

(pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS, SA 6,

SSA 1 for SA 6 & SA 1 to

SSA 1 for SA 6 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SBs 323 & 230-Childers,

et al, with SCS (pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 392-Kenney and DePasco

SB 438-Bentley and Stoll,

with SS & SA 3 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 431-Goode and Cauthorn,
with SCS

SB 515-Yeckel, with SCS

SB 201-Sims

SB 526-Dougherty, with
SCS

Reported 3/13

SB 623-Westfall, with SCS

SB 520-Foster, with SCS

SB 319-Carter, with SCA 1

SB 284-Steelman, with SCS

SB 451-Goode

SB 460-Klarich

SB 307-Jacob

Reported 3/14

SB 556-DePasco

SB 470-Goode, et al, with

SCAs 1 & 2

SB 538-Yeckel

SB 563-Gibbons

SB 544-Johnson

SB 553-Klindt

SB 568-Mathewson, with SCS

SB 591-Kenney, with SCS

SB 610-Westfall

SB 617-Steelman, with SCS

SB 619-Mathewson, with

SCS

SB 500-Mathewson

SB 406-Westfall

SB 575-Caskey

SB 543-Foster

Reported 3/15

SB 514-Singleton, with SCS

SB 384-House, with SCS

SB 130-Bland

SB 266-Bland, et al, with SCS

SB 542-Klindt

SB 540-Klindt

SRB 606-Rohrbach and

Gibbons

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with SCS

SCR 17-Steelman, et al

SCR 22-Rohrbach

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

(Gross)

SR 280-Steelman

SCR 26-Stoll, et al, with SCA 1

SCR 27-Goode and Russell

Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY--TUESDAY, MARCH 27, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"If we really want to pray, we have to give time to learning its lessons." (Mother Mary Clare)

Almighty God, let us not hurry over words, quoting platitudes, and feel our prayers are finished. Let us take the time to learn the lessons that come from praying in discovering ourselves as we truly are before You and be able to mature and deepen our relationship with You so that what we do and say reflects Your will for our lives. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 390, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerald Hall, Manchester, which was adopted.

Senator Gross offered Senate Resolution No. 391, regarding Alicia Holden, St. Charles, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 392

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone events in the histories of Show-Me

State businesses which are dedicated to meeting the needs of their customers as well as the special needs of their handicapped and disabled employees; and

WHEREAS, Joplin Workshops, Incorporated, was established in March, 1966, as the seventh corporation in the state of Missouri to start an employment program for the handicapped and disabled; and

WHEREAS, formerly known as the Joplin Area Sheltered Workshop, Incorporated, Joplin Workshops will observe its Thirty-Fifth Anniversary on March 28, 2001; and

WHEREAS, from its humble, yet important, beginning as a single workshop facility with fifteen disabled employees and one staff member, Joplin Workshops has grown to become a large-scale network which currently employs more than two hundred disabled individuals; and

WHEREAS, down through the years Joplin Workshops has celebrated such glorious achievements as the construction of the industrial subcontract facility in 1979, creation of Healthcare Linen Specialists in 1992, doubling in size of the industrial subcontract facility in 1997, and expansion of the Healthcare Linen Specialists building in 1999; and

WHEREAS, Joplin Workshops has made substantial contributions to the economic welfare of the Joplin community by providing cost-effective labor that meets the needs of business and industry in a variety of areas relating to the performance of delicate and intricate tasks, special skills, packaging, and laundry service for many local businesses, including all hospitals within a fifty-mile radius:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the stellar history and impressive, ongoing legacy of Joplin Workshops, Incorporated, and to convey to its many staff and workers this legislative body's heartiest congratulations for Thirty-Five Years of an exceptional array of services which utilize the effective skills of handicapped and disabled citizens; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in recognition of the Thirty-Fifth Anniversary of the founding of Joplin Workshops, Incorporated.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 393

WHEREAS, the members of the Missouri Senate are proud to recognize an outstanding individual who has demonstrated the highest standard of excellence in his chosen occupation; and

WHEREAS, Jackie Burks of Riverton, Kansas, was named Missouri Driver of the Month for September, 2000, a most impressive accolade bestowed upon him by the Missouri Motor Carriers Association which made him a candidate for Missouri Driver of the Year; and

WHEREAS, Jackie Burks, who will be featured in a future issue of Mid-America Transporter Magazine, was nominated for this honor after being named Sitton Motor Lines' Driver of the Month for October, 1999; and

WHEREAS, to be eligible for Missouri Driver of the Month, drivers like Jackie Burks are nominated by their company, which must be a member of the Missouri Motor Carriers Association, and must be a resident of Missouri or based at a Missouri terminal; and

WHEREAS, Jackie Burks was selected by representatives of the Missouri State Highway Patrol, Department of Transportation, and Division of Highway Safety from nominations submitted by a number of other companies; and

WHEREAS, an employee with Sitton Motor Lines since August, 1990, Jackie Burks has logged four million miles with zero non-chargeable accidents and has served as a driver trainer for one and one-half years, as a driver finisher for one year, and as a member of the Driver Advisory Board from 1986 to 1988; and

WHEREAS, Jackie Burks has also enjoyed recognition as a recipient of two Driver of the Year awards, six Driver of the Month awards, and the Missouri Motor Carriers Association's Driver of the Month award for June, 1998:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join the Missouri Motor Carriers Association in extending our most hearty congratulations to Jackie Burks for being chosen to receive the Missouri Driver of the Month award for September, 2000, and in wishing him continued success in the new millennium; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Jackie Burks, as a measure of our esteem for him.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 394

WHEREAS, the members of the Missouri Senate occasionally pause in their diverse legislative endeavors in order to recognize milestone achievements in the careers of Show-Me State residents who have proven to be a tremendous asset in state government as employees who are dedicated to ensuring that all services are provided in accordance with the public's mandate in a timely, efficient, and effective manner; and

WHEREAS, Terri Butterfield began her endeavors with the Department of Labor and Industrial Relations, Division of Employment Security, with a provisional appointment as an Employment Service Deputy I on January 7, 1975, in the Monett office; and

WHEREAS, a diligent and conscientious worker, Terri Butterfield accepted a regular appointment on September 15, 1975, as an Employment Security Deputy II; and

WHEREAS, Terri Butterfield continued to be an exemplary employee and enjoyed a promotion on July 21, 1980, to the position of Unemployment Insurance Claims Technician which required her to file initial claims, continue claims, and issue decisions allowing or denying unemployment benefits; and

WHEREAS, on December 1, 1988, Terri Butterfield received a class transfer to Employment Security Technician, a position she held until her shift by Governor's Executive Order to the Department of Economic Development, Division of Workforce Development, where she is a Workforce Development Specialist I; and

WHEREAS, after more than twenty-six years of service, Terri Butterfield will retire on May 1, 2001, in order to participate in the special opportunities and pleasures which are traditionally associated with the golden years of retirement:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the exceptional career and impressive life of Terri Butterfield and to convey to her this legislative body's heartiest congratulations upon her well-deserved retirement from state government; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Terri Butterfield, as an expression of our esteem for her and her workplace contributions.

Senators Russell and Bentley offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 395

WHEREAS, Norma Lea Mihalevich, a lifelong Missourian of Pulaski County residing in the city of Crocker, is hereby recognized for her exemplary service to her community, public education, and church; and

WHEREAS, Norma Lea Mihalevich has volunteered an exceptional amount of time and energy to county and city civic groups, including the county hospital auxiliary, home health agency, board for the handicapped, regional library board, senior citizens center, and other community-based civic organizations; and

WHEREAS, the Honorable Norma Lea Mihalevich is stepping down from twenty-four years of distinguished service as Mayor of the City of Crocker, after holding that important leadership position since 1977; and

WHEREAS, she diligently prepared herself for lifelong support of public education by her studies at Waynesville High School, from which she graduated in 1937, and at Missouri State Teachers College, where she earned a Bachelor's degree with minors in vocational home economics and commerce science; and teaching at the Rolling Heath one-room school; and

WHEREAS, recognized as a "Pioneer in Education" in 1986 by the Missouri Department of Elementary and Secondary Education, Norma Lea Mihalevich has distinguished herself as a member of the Crocker R-II Board of Education for an exceptional forty-eight years since elected in 1952, during which she served on the Board of Directors of the Missouri School Boards Association, held regional leadership positions, and received their 1998 "Recognition of Commitment" award and the 2001 "Board Member of the Year" recognition by the Missouri Association of Rural Educators; and

WHEREAS, an invaluable member of the Crocker Baptist Church for the past fifty-nine years, Norma Lea Mihalevich has exemplified her beliefs by applying her time and talents to the betterment of community and caring of family as well as others in need; and

WHEREAS, Norma Lea Mihalevich has exemplified the meaning of spouse, mother and grandmother, having been blessed in marriage and love

with her devoted husband, retired Crocker family practitioner Dr. John A. Mihalevich and through their marriage of fifty-nine years they have been blessed with five children and eleven grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the exceptional life of Norma Lea Mihalevich and to wish her many more years of continued personal success after her well-deserved retirement from the office of Mayor of the City of Crocker and from service as a board member of Crocker R-II; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Mayor Norma Lea Mihalevich of Crocker, Missouri.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SBs 22** and **106**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 22** and **106** was again taken up.

At the request of Senator Singleton, **SB 22** and **SB 106**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Kenney moved that **SB 392** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Gibbons offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 392, Page 2, Section 135.230, Line 50, by inserting immediately after the word "facility" the following: "and for at least ninety days thereafter".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 392, Page 2, Section 135.230, Line 52, by inserting after the word "facility" the following: "and residents of the state of Missouri".

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kenney, **SB 392**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 45**, entitled:

An Act to repeal section 161.112, RSMo 2000, relating to the qualifications of the commissioner of education, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 459**, entitled:

An Act to repeal sections 375.1202 and 375.1220, RSMo 2000, relating to insurance liquidation, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 420**, entitled:

An Act to repeal section 302.138, RSMo 2000, relating to motorcycle safety education.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 732**, entitled:

An Act to repeal section 306.165, RSMo 2000, relating to the water patrol, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 642**, entitled:

An Act to amend chapter 221, RSMo, by adding thereto one new section authorizing a sales tax for regional jail districts and associated court facilities, with an expiration date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SJR 9**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 396, regarding June Rae Wood, Windsor, which was adopted.

Senator Yeckel offered Senate Resolution No. 397, regarding Julie Capkovic, Affton, which was adopted.

Senator Steelman offered Senate Resolution No. 398, regarding Lauren Hutcheson, Houston, which was adopted.

Senator DePasco offered Senate Resolution No. 399, regarding Leslie Earle Conner, Sugar Creek, which was adopted.

Senator DePasco offered Senate Resolution No. 400, regarding the Flavin/Browne Building Complex, Kansas City, which was adopted.

Senator Sims offered Senate Resolution No. 401, regarding Laura Kennedy, Wildwood, which was adopted.

Senator Sims offered Senate Resolution No. 402, regarding Lucy Jordan, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 403, regarding Monica Imgrund, O'Fallon, which was adopted.

Senator Sims offered Senate Resolution No. 404, regarding Christine Haring, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 405, regarding Erin Barker, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 406, regarding Amy Barnhart, Washington, which was adopted.

Senator Sims offered Senate Resolution No. 407, regarding Amanda Blalock, Hazelwood, which was adopted.

Senator Sims offered Senate Resolution No. 408, regarding Liz Borges, Chesterfield, which was adopted.

Senator Sims offered Senate Resolution No. 409, regarding Jacqueline Renee Boeckmann, Villa Ridge, which was adopted.

Senator Sims offered Senate Resolution No. 410, regarding Patricia Burke, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 411, regarding Mary "Betsy" Cannella, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 412, regarding Christin Nichole Cooper, Manchester, which was adopted.

Senator Sims offered Senate Resolution No. 413, regarding Mariea Clubb, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 414, regarding Leslie Carpenter, Ballwin, which was adopted.

Senator Sims offered Senate Resolution No. 415, regarding Vanessa Crawford, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 416, regarding Elizabeth Lynn Crouch, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 417, regarding Sarah Denson, Washington, which was adopted.

Senator Sims offered Senate Resolution No. 418, regarding Barbara A. Dettmer, Overland, which was adopted.

Senator Sims offered Senate Resolution No. 419, regarding Gloria Dirnbeck, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 420, regarding Maggie Dougherty, Fenton, which was adopted.

Senator Sims offered Senate Resolution No. 421, regarding Lauren C. Dusek, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 422, regarding Jeannine Cheri Favier, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 423, regarding Dawn Flandermeyer, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 424, regarding Christina Elliston, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 425, regarding Therese C. Griner, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 426, regarding Marissa Geary, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 427, regarding Kalen Elizabeth Furrer, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 428, regarding Amanda Ellen Kostecki, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 429, regarding Lisa Krumlinde, Wentzville, which was adopted.

Senator Sims offered Senate Resolution No. 430, regarding Amy Lange, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 22** be taken up for adoption, which motion prevailed.

On motion of Senator Rohrbach, **SCR 22** was adopted by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Schneider	Scott	Sims
Staples	Steelman	Westfall	Wiggins--24
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Jacob	Johnson
Quick	Russell	Singleton	Stoll
Yeckel--9	Absent with leave--Senator Carter--1		

President Maxwell assumed the Chair.

THIRD READING OF SENATE BILLS

SB 431, with **SCS**, introduced by Senators Goode and Cauthorn, entitled:

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission,

with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Goode.

SCS for **SB 431**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 431

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

Was taken up.

Senator Goode moved that **SCS** for **SB 431** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 431** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Sims	Singleton--3
	Absent with leave--Senator Carter--1	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kinder	Klarich	Klindt
Loudon	Mathewson	Russell	Schneider
Scott	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bland	Kenney	Quick	Rohrbach
Sims		Singleton--6	

Absent with leave--Senator Carter--1

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 515, with **SCS**, introduced by Senator Yeckel, entitled:

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up.

SCS for **SB 515**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 515

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 515** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 515** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Gross--1

Absent--Senators

Bland	Jacob	Singleton--3
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 201, introduced by Senator Sims, entitled:

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to Missouri lifelong learning month.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 201** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	
	NAYS--Senators--None		
	Absent--Senators		
Johnson	Yeckel--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 623, with **SCS**, introduced by Senator Westfall, entitled:

An Act to repeal section 301.453, RSMo 2000, relating to congressional license plates, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 623**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 623

An Act to repeal section 301.453, RSMo 2000, relating to congressional license plates, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Westfall moved that **SCS** for **SB 623** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SB 623** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick

Rohrbach
Sims
Stoll

Russell
Singleton
Westfall

Schneider
Staples
Wiggins

Scott
Steelman
Yeckel--32

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 392**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 375**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 375**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 375

An Act to repeal sections 58.451, 58.740, 610.010, 610.015, 610.021, 610.022, 610.026, 610.027, 610.100, 610.105 and 610.200, RSMo 2000, relating to public records, and to enact in lieu thereof eleven new sections relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **SB 375** be adopted.

Senator Steelman offered **SS** for **SCS** for **SB 375**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 375

An Act to repeal sections 58.451, 58.740, 610.010, 610.015, 610.021, 610.022, 610.026, 610.027, 610.100, 610.105 and 610.200, RSMo 2000, relating to public records, and to enact in lieu thereof eleven new sections relating to the same subject.

Senator Steelman moved that **SS** for **SCS** for **SB 375** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 19, Section 610.027, Line 13 of said page, by inserting immediately before the word "violated" the word "**negligently**"; and

Further amend said bill, Page 24, Section 610.100, Line 14 of said page, by inserting immediately before the word "violated" the word "**negligently**".

Senator Dougherty moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 19, Section 610.027, Line 21, by deleting the word "**thousand**" and insert in lieu thereof the word "**hundred**" and further amend said bill, section 610.015, page 11, line 15, by inserting before the "." on said line the following "**and any votes by any caucus of members of the General Assembly**" and further amend said bill, page 24, section 610.100, line 14, by deleting [purposely] and insert in lieu thereof the word "**knowingly**" and further amend said section and page, line 21, by deleting the word "**thousand**" and insert in lieu thereof the word "**hundred**".

Senator Childers moved that the above substitute amendment be adopted.

Senator Dougherty raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Childers offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 19, Section 610.027, Line 21, by deleting the word "**thousand**" and insert in lieu thereof the word "**hundred**" and further amend said bill, section 610.015, page 11, line 15, by inserting before the "." on said line the following "**and any votes by any caucus of members of the General Assembly**" and further amend said bill, page 24, section 610.100, line 14, by adding after the word [purposely] the word "**knowingly**" and further amend said section and page, line 21, by deleting the word "**thousand**" and insert in lieu thereof the word "**hundred**".

Senator Childers moved that the above substitute amendment be adopted.

Senator Dougherty raised the point of order that **SSA 2** for **SA 1** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem.

At the request of Senator Childers, **SSA 2** for **SA 1** was withdrawn, rendering the point of order moot.

Senator Gibbons offered **SSA 3** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 3

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 19, Section 610.027, Line 13, by inserting immediately before the word "violated" the word "knowingly"; and

Further amend said bill, page 24, section 610.100, line 14, by inserting immediately before the word "violated" the word "knowingly".

Senator Gibbons moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **SB 375**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 3** for **SA 1** (pending), was placed on the Informal Calendar.

Senator Rohrbach moved that **SB 193** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Rohrbach offered **SS** for **SB 193**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 193

An Act to repeal sections 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.022, 375.025, 375.027, 375.031, 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.061, 375.065, 375.071, 375.076, 375.081, 375.082, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.121, 375.136, 375.141, 375.142, 375.158, 379.356 and 384.043, RSMo 2000, and to enact in lieu thereof twenty-eight new sections relating to insurance producers, with penalty provisions and an effective date for certain sections.

Senator Rohrbach moved that **SS** for **SB 193** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 193, Page 10, Section 375.015, Line 4, by deleting "twenty-five" and inserting "fifty-five".

Senator Singleton moved that the above amendment be adopted.

Senator Steelman assumed the Chair.

At the request of Senator Rohrbach, **SB 193**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

COMMUNICATIONS

Senator House submitted the following communication:

March 13, 2001

Terry Spieler

Senate Secretary

Missouri Senate

Capitol Building

Jefferson City, Missouri 65101

Dear Ms. Secretary:

I am respectfully requesting that Senator Ted House handle House Concurrent Resolution No. 16 in the Missouri Senate. I sponsored HCR 16 in the House, and it is now on the Senate Calendar for floor debate.

Thank you for your consideration in this matter.

Sincerely,

/s/ Tom

THOMAS S. GREEN

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 578**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **SB 392** to the Committee on State Budget Control.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Kimberly Shola, New Haven; and Kimberly was made an honorary page.

Senator Klarich introduced to the Senate, Robin Brouk and representatives of the Union Republican Women's Club, Ezra Akin, David Brouk, Sarah Heitzmann, Tony Sansone and Thomas Wingfield, Union; and Ezra, David, Sarah, Tony and Thomas were made honorary pages.

Senator Rohrbach introduced to the Senate, Marcia Simmons, Tipton.

Senator Westfall introduced to the Senate, eighth grade students from Aurora Junior High School, Aurora; and Rudy Garoutte, Jamie Lawrence, Kim Calton and Sarah McKee were made honorary pages.

Senator Sims introduced to the Senate, Hannah White, Liberty.

Senator Sims introduced to the Senate, Mr. Ed Murphy, Dr. Tad Murphy and Teddy Murphy, St. Louis; and Teddy was made an honorary page.

Senator Childers introduced to the Senate, Matt Sickman, Kasi Grisham, Dawn Van Deuren, Heather Wakefield, Jeremy Prus, Daniel Warren, Kari Erikson, Jessica Breitenbach, Timmera Allred, Heather Maddoux and Linda Van Deuren, Hollister High School, Hollister.

Senator Klindt introduced to the Senate, Greg Frost, Melissa Taylor, Chrystal Everett, Roger L. Cain, Jason Bain, Nick Booth, Casey Campbell, Jeff Carpenter, James Doty, Matt Doty, Amanda Everett, Heath Ledgerwood, Micheal McLain, Mike O'Neal, Rosa Solorio, Ellisa Thomas and Levi Thompson, Cainsville High School, Cainsville.

Senator Klindt introduced to the Senate, Kent Porterfield, Carol Cowles and seventy students and members of the

Student Senate from Northwest Missouri State University, Maryville.

Senator Johnson introduced to the Senate, Ashley Varner, St. Joseph.

Senator Mathewson introduced to the Senate, two adults and twelve eighth grade students from Keytesville School, Chariton County; and Savannah Byrd, Andrew Meade, Kim Hall and Amanda Bartholomew were made honorary pages.

Senator Kenney introduced to the Senate, Mary Margaret Tompkins, Lee's Summit.

Senator Rohrbach introduced to the Senate, Mrs. Kuster and fourth grade students from St. Stanislaus School, Wardsville.

Senator Westfall introduced to the Senate, Annie Ankrom, Bolivar.

Senator Steelman introduced to the Senate, Lauren Hutcheson, Houston.

Senator Stoll introduced to the Senate, Dr. Ralph Herron, Jefferson County.

Senator Westfall introduced to the Senate, Sue Entlicher, Bolivar.

Senator Klindt introduced to the Senate, Amy Whitaker, Trenton; and Amy was made an honorary page.

Senator Cauthorn introduced to the Senate, Kathy Chinn and Alice Gardner, Shelby.

Senator Cauthorn introduced to the Senate, Barb Wilson, Cindy Brack and fourth grade students from St. Brennan's School, Mexico.

Senator Gross introduced to the Senate, Alicia Holden, Ruth Bruns, Carol Emison, Elenor Buzan, Donna Meutel, Val Weston, Jan Davis and Shirley Fehl, St. Charles; and Alicia was made an honorary page.

Senator Yeckel introduced to the Senate, Joann Breckenridge, Affton; and Joy Gerstein, Washington.

Senator Klarich introduced to the Senate, Maryn Struckhoff and representatives of the United Federation of Republican Women, Washington; and Aubrey Hale, Jessica Fischer, Jeff Brown, Rachel Hellmann and Elizabeth Hellmann were made honorary pages.

Senator Klindt introduced to the Senate, John and Patricia Dudeck and Neal and Dorothy Kurz, Holt City.

On behalf of Senator Staples and himself, Senator Childers introduced to the Senate, Katy Roark, Ruth Burke, Amber Hunsberger, Latasha Clark, Jackie Duncan, Georgia Hagler, Amber Buckwalter, Mike Lampley, Nathan Gill, Monica and Amber Nieland, Lucas Harlan, Matt Davis, Nick Schoenhofen, Chris Heilig and Sharon Richardson from Oregon-Howell R-III School, Koshkonong; and Matt Davis, Nathan Gill, Amber Hunsberger and Jackie Duncan were made honorary pages.

Senator Westfall introduced to the Senate, Mrs. Whaley and Mrs. Lemon, Lockwood.

Senator Steelman introduced to the Senate, representatives of the Callaway County Republican Women's Club.

Senator Steelman introduced to the Senate, her sons, Sam, Joe and Michael, Rolla; and Sam, Joe and Michael were made honorary pages.

Senator Loudon introduced to the Senate, Gerry Kettenbach, Ph.D. and Martha Bunch, Creve Coeur; and seven teachers from Kagawa Prefecture, Japan.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Tony Guarino, M.D., St. Louis.

Senator Yeckel introduced to the Senate, Donna Spickert and Hannah Cummings, Columbia.

Senator Klindt introduced to the Senate, Lee Langerock and forty representatives of the city of Albany.

Senator Gross introduced to the Senate, Mandy Sheets and Kristen Pingel, St. Charles County; and Kristen was made an honorary page.

Senator Staples introduced to the Senate, his grandson, Danny Staples, Roger Koontz and fourth grade students from Alton Elementary School, Alton; and Danny, Trent Thompson, Tyler Thompson and Alex Miller were made honorary pages.

Senator Cauthorn introduced to the Senate, Lori Gilliland and fourth grade students from Covenant Life Fellowship School, Kirksville.

Senator Caskey introduced to the Senate, Mrs. Carolyn Harms, Mrs. Bonnie Manion, Mr. Richard Orr and third through sixth grade students from Windsor Elementary School, Henry County; and Trey Crockett, Brooke Crouch, Cristyn Hackett, Brianna Hagerty and Clint Schweitzer were made honorary pages.

Senator Dougherty introduced to the Senate, Jo Ann Perkins and Mike Daus, St. Louis.

Senator Mathewson introduced to the Senate, Sue Miller and her family, Odessa; and Lauren and Mason Phillips were made honorary pages.

Senator Cauthorn introduced to the Senate, Deanna Huett, Vicky Buckmaster, Sarah Lynch and Stephanie Huett, Columbia; and Vicky, Sarah and Stephanie were made honorary pages.

Senator Westfall introduced to the Senate, Ashley Fausett, Linda Stillings and Joey Davis, Lamar; and Ashley was made an honorary page.

Senator Westfall introduced to the Senate, Barbara Clayton, Strafford; Clarissa Moon, Hartville; Christina Matchell, Plattsburg; and Tom Dahlberg, M.D., Springfield.

Senator Staples introduced to the Senate, Mrs. Doyer, Ms. Speidel, Doug Henry and students from Sunrise School, DeSoto; and William McNicholas, Michelle Parker, Zach Pennock and Danielle Stone were made honorary pages.

Senator Johnson introduced to the Senate, representatives of United Cerebral Palsy Advocacy Services of Northwest Missouri and students from Missouri Western State College.

Senator Klindt introduced to the Senate, Rayma Becker, Ray and Joanne Becker, John and Debbie Kramer, Jim and Becky Seib, Brent and Rita Penner, Rock and Debra Dirks, Avis Penner and six students from Jamesport Mennonite School, Jamesport; and Anthony Dirks, Andy Becker, A.J. Krammer, David Krammer, Jim Seib and Wayland Penner were made honorary pages.

Senator Sims introduced to the Senate, Andriette Fields and twenty-six members of Girls, Inc., St. Louis.

Senator Yeckel introduced to the Senate, Ollie and Barbara Sappington, and their children, Heather and Emily, St. Louis County.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SIXTH DAY-WEDNESDAY, MARCH 28, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

HJR 5-Barry, et al

HB 163-Berkowitz and

Wagner

HCS for HBs 205, 323 &

549

HB 219-Townley, et al

HCS for HBs 441, 94 & 244

HB 575-O'Connor, et al

HB 621-Gratz and Vogel

HB 288-Campbell

HB 266-Treadway

HB 236-Smith

HB 180-Thompson, et al

HB 133-Gambaro

HB 48-Relford

HB 78-Kennedy and

Richardson

HB 262-Linton, et al

HCS for HBs 144 & 46

HS for HCS for HBs 328 &

88-Harlan

HCS for HB 207

HCS for HB 567

HCS for HB 241

HB 801-Liese and Wagner

HB 309-McKenna, et al

HB 111-Ladd Baker

HB 431-Barry

HB 202-Rizzo

HB 129-Van Zandt and

Campbell

HB 157-Hosmer

HB 80-Ross

HCS for HB 50

HCS for HB 194

HS for HB 287-Williams

HB 218-Farnen, et al

HCS for HBs 265 & 369

HS for HCS for HBs 237,

270, 403 & 442-Smith

HB 502-Ward

HB 779-Barnett

HB 409-Surface

HB 452-Gratz

HB 242-Smith

HB 600-Hosmer and Marsh

HB 607-Treadway, et al

HB 470-Shields and Hegeman

HB 491-George

HS for HB 381-Hoppe

HCS for HB 26

HB 185-Legan, et al

HB 166-Troupe

HS for HCS for HB 107-

Clayton

HCS for HB 738

HS for HCS for HB 425-

O'Toole

HB 249-Treadway

HB 473-Robirds

HCS for HB 334

HB 321-Skaggs, et al

HS for HB 421-Hoppe

HB 444-Kreider, et al

HB 453-Ransdall, et al

HB 603-Hilgemann, et al

HB 742-Harding, et al

HB 361-Shoemyer

HB 808-Gratz and Vogel

HB 691-Barnett, et al

HB 212-Ward

HB 788-O'Connor

HB 454-Monaco

HB 757-Shoemyer

HB 477-Graham

HB 45-Farnen

HB 459-Liese, et al

HB 420-Williams, et al

HB 732-Hosmer

HB 642-Relford

THIRD READING OF SENATE BILLS

1. SB 97-Bentley

(In Budget Control)

2. SB 50-Childers

3. SCS for SB 317-Stoll

4. SS for SB 14-Mathewson

5. SS for SB 220-Kinder

6. SS#2 for SCS for SBs

39 & 269-Klarich

7. SB 381-Klarich

8. SS for SCS for SB 267-Klarich

9. SS for SCS for SB 48-

Sims

10. SS for SB 339-Stoll

(In Budget Control)

11. SCS for SB 374-Steelman

(In Budget Control)

12. SB 400-Kenney, et al

13. SS for SJR 9-Goode

14. SB 392-Kenney and

DePasco

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SBs 69 & 458-Gross,

with SCS

2. SB 68-Gross and House,

with SCAs 1 & 2

3. SB 60-Steelman, with

SCS

4. SBs 347 & 487-Caskey,

with SCS

5. SB 385-Mathewson

6. SB 331-DePasco, et al,

with SCS

7. SBs 5 & 21-Wiggins,

et al, with SCS

8. SB 373-Gibbons and

Yeckel, with SCS

9. SBs 433 & 248-Kinder

and Gross, with SCS

10. SB 462-Westfall

11. SB 428-Loudon

12. SB 27-Johnson and

Westfall, with SCS

13. SB 99-Sims, with SCS

14. SBs 247 & 330-

Westfall and

Staples, with SCS

15. SB 351-Singleton and

Scott, with SCS

16. SJRs 1 & 4-Schneider,

with SCS

17. SBs 510, 512 & 133-

Kenney, with SCS

18. SJR 11-Yeckel

19. SBs 551, 410, 539, 528

& 296-Sims, with SCS

20. SBs 476, 427 & 62-

Yeckel, et al, with SCS

21. SB 369-Steelman and

Stoll, with SCS

22. SB 505-Loudon, with

SCS

23. SB 578-Goode and

Russell, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 15, with SCS (Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 193-Rohrbach, with SS

& SA 1 (pending)

SBs 214, 124, 209 & 322-

Gross, et al, with SCS

(pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et
al, with SCS (pending)

SB 239-Stoll, with SCS,
SA 6, SSA 1 for SA 6 &
SA 1 to SSA 1 for SA 6
(pending)

SB 251-Kinder

SBs 253 & 260-Gross, with
SCS (pending)

SBs 323 & 230-Childers,
et al, with SCS
(pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS,
SS for SCS, SA 1 & SSA 3
for SA 1 (pending)

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

SB 438-Bentley and Stoll,
with SS & SA 3 (pending)

SB 445-Singleton, with
SCS & SS for SCS
(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with
SCS

Reported 3/13

SB 520-Foster, with SCS

SB 319-Carter, with SCA 1

SB 284-Steelman, with SCS

SB 451-Goode

SB 460-Klarich

SB 307-Jacob

Reported 3/14

SB 556-DePasco

SB 470-Goode, et al, with

SCAs 1 & 2

SB 538-Yeckel

SB 563-Gibbons

SB 544-Johnson

SB 553-Klindt

SB 568-Mathewson, with

SCS

SB 591-Kenney, with SCS

SB 610-Westfall

SB 617-Steelman, with SCS

SB 619-Mathewson, with

SCS

SB 500-Mathewson

SB 406-Westfall

SB 575-Caskey

SB 543-Foster

Reported 3/15

SB 514-Singleton, with SCS

SB 384-House, with SCS

SB 130-Bland

SB 266-Bland, et al, with

SCS

SB 542-Klindt

SB 540-Klindt

SRB 606-Rohrbach and

Gibbons

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with

SCS

SCR 17-Steelman, et al

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

(Gross)

SR 280-Steelman

SCR 26-Stoll, et al, with

SCA 1

SCR 27-Goode and Russell

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SIXTH DAY--WEDNESDAY, MARCH 28, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Thomas Kempis prayed: "Place me where you will and use me according to your wisdom. I am in your hand as your servant ready to do all that you command."

Gracious God, we are here to serve not ourselves but the people You have given us to care for. Help us to see that the laws we pass contain the seeds of Your justice and are helpful to those the law touches. May we truly be willing to be used by You for others. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 431, regarding the Hickman Mills C-I School District, Kansas City, which was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 15**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2001.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 15**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 15An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2001.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 15** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 15, Page 4, Section 15.085, by inserting immediately after said section the following new sections:

"Section 15.090. To the Department of Insurance

Personal Service \$41,380

Expense and Equipment 84,792

From Department of Insurance

Dedicated Fund \$126,172

Section 15.095. To the Department of Insurance

For market conduct and financial examinations

of insurance companies

Personal Service \$12,496

Expense and Equipment 9,409

From Insurance Examiners Fund \$21,905".

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Russell moved that **SCS** for **HCS** for **HB 15** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 15** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins--26		

NAYS--Senators

Gibbons	Klarich	Klindt--3
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Absent--Senators

Dougherty	Mathewson	Staples	Yeckel--4
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 626**, entitled:

An Act to repeal section 451.040, RSMo 2000, relating to marriage licenses, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 693**, entitled:

An Act to repeal sections 407.820, 407.822, 621.053, 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 2000, relating to the administrative hearing commission, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 769**, entitled:

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the privacy of personal information of participants in the Missouri higher education savings program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 537**, entitled:

An Act to repeal sections 442.030, 451.250, 451.260, 451.270, 451.280, 451.300, 452.075, 452.080, 452.110, 452.130, 452.140, 452.170, 452.180, 452.190, 452.200, 452.210, 452.220, 452.230, 452.240, 452.250 and 474.140, RSMo 2000, relating to marriage, and to enact in lieu thereof twenty new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for HBs 302 and 38--Transportation.

HB 163--Transportation.

HCS for HBs 205, 323 and 549--Agriculture, Conservation, Parks and Tourism.

HB 219--Agriculture, Conservation, Parks and Tourism.

HCS for HBs 441, 94 and 244--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 575--Commerce and Environment.

HB 621--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

HB 288--Commerce and Environment.

HB 266--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

HB 236--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 180--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 133--Local Government and Economic Development.

HB 48--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 78--Public Health and Welfare.

HB 262--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

HCS for HBs 144 and 46--Judiciary.

HCS for HB 207--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HCS for HB 567--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HCS for HB 241--Judiciary.

HB 801--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

HB 309--Education.

HB 111--Public Health and Welfare.

HB 431--Public Health and Welfare.

HB 202--Local Government and Economic Development.

HB 129--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

HB 157--Judiciary.

HB 80--Civil and Criminal Jurisprudence.

HCS for HB 50--Education.

HCS for HB 194--Education.

HS for HB 287--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 218--Education.

HCS for HBs 265 and 369--Civil and Criminal Jurisprudence.

HS for HCS for HBs 237, 270, 403 and 442--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 502--Local Government and Economic Development.

HB 779--Local Government and Economic Development.

HB 409--Local Government and Economic Development.

HB 452--Aging, Families and Mental Health.

HB 242--Local Government and Economic Development.

HB 600--Local Government and Economic Development.

HB 607--Public Health and Welfare.

HB 491--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

HS for HB 381--Commerce and Environment.

HCS for HB 26--Education.

HB 185--Local Government and Economic Development.

HB 166--Education.

HS for **HCS** for **HB 107**--Judiciary.

HCS for **HB 738**--Financial and Govern-mental Organization, Veterans' Affairs and Elections.

HJR 5--Education.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 432, regarding Frank Berry, Moberly, which was adopted.

Senator Sims offered Senate Resolution No. 433, regarding Abigail Lee, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 434, regarding Elizabeth A. Lewis, Foristell, which was adopted.

Senator Sims offered Senate Resolution No. 435, regarding Karen Lowry, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 436, regarding Caleb R. Miller, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 437, regarding Michael Thomas "Hammy" Hamline, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 438, regarding John Fliszar, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 439, regarding Joe Long, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 440, regarding Andrew Benjamin Winkler, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 441, regarding Daniel Eric Coombs, Lee's Summit, which was adopted.

THIRD READING OF SENATE BILLS

SB 520, with **SCS**, introduced by Senator Foster, entitled:

An Act to repeal section 301.058, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 520**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 520

An Act to repeal sections 301.057 and 301.058, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Foster moved that **SCS** for **SB 520** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 520** was read the 3rd time and passed by the following

vote:

YEAS--Senators

Bland Caskey Cauthorn Childers

DePasco Dougherty Foster Gibbons

Goode Gross Jacob Johnson

Kenney Klarich Klindt Mathewson

Quick Rohrbach Russell Scott

Sims Singleton Staples Steelman

Westfall Wiggins--26

NAYS--Senators--None

Absent--Senators

Bentley House Kinder Loudon

Schneider Stoll Yeckel--7

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

SB 284, with **SCS**, introduced by Senator Steelman, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to American sign language.

Was called from the Consent Calendar and taken up.

SCS for **SB 284**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 284

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to American sign language.

Was taken up.

Senator Steelman moved that **SCS** for **SB 284** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 284** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	Jacob	Johnson	Kenney
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Stelman	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Bland	House	Kinder
Stoll--5			
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 451, introduced by Senator Goode, entitled:

An Act to repeal section 640.665, RSMo 2000, relating to the energy set-aside program fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 451** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bentley-- 1			
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 307, introduced by Senator Jacob, entitled:

An Act to repeal sections 140.010 and 140.730, RSMo 2000, relating to property taxes, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Jacob, **SB 307** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Johnson	Quick--3	
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 556, introduced by Senator DePasco, entitled:

An Act to repeal section 313.840, RSMo 2000, relating to liquor licenses on boats and premises, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 556** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	DePasco	Dougherty	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Mathewson
Schneider	Scott	Sims	Singleton
Stoll	Wiggins	Yeckel--19	
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Klarich	Klindt	Loudon
Rohrbach	Russell	Steelman	Westfall--12
Absent--Senators			
Quick	Staples--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 470, with **SCAs 1** and **2**, introduced by Senator Goode, et al, entitled:

An Act to amend chapter 8, RSMo, by adding thereto three new sections relating to the second state capitol commission.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **SB 470**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	DePasco	Dougherty	Singleton
Stoll--5			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SB 538, introduced by Senator Yeckel, entitled:

An Act to repeal sections 443.803, 443.805, 443.809, 443.810, 443.812, 443.819, 443.821, 443.825, 443.827, 443.833, 443.839, 443.841, 443.849, 443.851, 443.855, 443.857, 443.859, 443.863, 443.867, 443.869, 443.879, 443.881 and 443.887, RSMo 2000, relating to mortgages and mortgage brokers, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Yeckel, **SB 538** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	DePasco	Quick--3	
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 563, introduced by Senator Gibbons, entitled:

An Act to repeal sections 136.035 and 144.190, RSMo 2000, relating to the notarization of sales tax refund documents, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Gibbons, **SB 563** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn

Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 544, introduced by Senator Johnson, entitled:

An Act to authorize the conveyance of an easement on property owned by Missouri Veterans Commission to Spectra Communications.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 544** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Klindt moved that motion lay on the table, which motion prevailed.

SB 553, introduced by Senator Klindt, entitled:

An Act to authorize the conveyance of property interest owned by Northwest Missouri State University to the Missouri National Guard and City of Maryville.

Was called from the Consent Calendar and taken up.

Senator Klindt moved that **SB 553** be read the 3rd time and finally passed.

Senator Staples was recognized to interrogate Senator Klindt.

Senator Klindt was recognized to speak on the bill.

Senator Schneider raised the point of order that Senator Klindt's speaking on the bill at this time was out of order as he had already spoken.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Klindt, **SB 553** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Bentley--1			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 568, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to authorize the exchange of property interest owned by the department of natural resources and the City of Lexington.

Was called from the Consent Calendar and taken up.

SCS for **SB 568**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 568

An Act to authorize the exchange of property interest owned by the state and certain cities.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 568** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 568** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Kinder	Russell--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 591, with **SCS**, introduced by Senator Kenney, entitled:

An Act to repeal sections 204.300 and 204.370, RSMo 2000, relating to common sewer districts, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 591**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 591

An Act to repeal sections 204.300 and 204.370, RSMo 2000, relating to common sewer districts, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Kenney moved that **SCS** for **SB 591** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 591** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob

Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
DePasco	Staples--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 610, introduced by Senator Westfall, entitled:

An Act to repeal sections 52.300 and 54.330, RSMo 2000, relating to bonds for deputies for county collectors and treasurer ex officio collectors, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 610** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
DePasco	Goode	Quick	Singleton
Staples--5			
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

SB 619, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 190.109, RSMo 2000, relating to emergency services, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 619**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 619

An Act to repeal section 190.109, RSMo 2000, and to enact in lieu thereof three new sections relating to the state fair, with an emergency clause.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 619** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 619** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	DePasco	Quick	Singleton
Staples--5			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
DePasco	Johnson	Quick	Staples--4
Absent with leave--Senator Carter--1			

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 500, introduced by Senator Mathewson, entitled:

An Act to repeal sections 178.892, 620.470 and 620.474, RSMo 2000, relating to job training, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Mathewson moved that **SB 500** be read the 3rd time and finally passed.

At the request of Senator Mathewson, the above motion was withdrawn, which placed the bill back on the Calendar.

SB 406, introduced by Senator Westfall, entitled:

An Act to repeal section 302.173, RSMo 2000, relating to drivers' examination for licensure, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 406** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Mathewson	Scott	Staples--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 575, introduced by Senator Caskey, entitled:

An Act to repeal section 160.522, RSMo 2000, and to enact in lieu thereof one new section relating to building-level school accountability report cards.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 575** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Scott	Staples--3	
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

SB 543, introduced by Senator Foster, entitled:

An Act to repeal section 165.011, RSMo 2000, relating to transfers of funds in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 543** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Dougherty	Quick	Scott	Staples--4
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

SB 514, with **SCS**, introduced by Senator Singleton, entitled:

An Act to repeal section 196.100, RSMo 2000, relating to labeling of drugs, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 514**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 514

An Act to repeal section 196.100, RSMo 2000, relating to labeling of drugs, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SB 514** be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SB 514** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 384, with **SCS**, introduced by Senator House, entitled:

An Act to repeal sections 324.203, 324.205, 324.212 and 324.217, RSMo 2000, relating to regulation of dietitians, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 384**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 384

An Act to repeal sections 324.212 and 324.217, RSMo 2000, relating to licensure of dietitians, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SB 384** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SB 384** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Bland moved that motion lay on the table, which motion prevailed.

SB 130, introduced by Senator Bland, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control.

Was called from the Consent Calendar and taken up.

Senator Bland moved that **SB 130** be read the 3rd time and finally passed.

At the request of Senator Bland, the above motion was withdrawn, which placed the bill back on the Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 97**; **SCS** for **SB 374**; **SS** for **SB 339**; and **SB 392**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 544**, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to medical records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 318**, entitled:

An Act to repeal section 105.661, RSMo 2000, relating to public retirement plans, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 385**, entitled:

An Act to amend chapter 169, RSMo, relating to certain school retirement systems, by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 256**.

With House Committee Amendment No. 1 and House Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 256, Page 2, Section 644.037, Lines 1-4, by removing all of said section from the bill; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 256, Page 2, Section 644.572, Lines 1-5, by striking all of said lines; and

Further amend said bill and page, Section 644.574, Lines 1 to 5, by striking all of said lines; and

Further amend said bill and page, Section 644.576, Lines 1 to 5, by striking all of said lines and inserting in lieu thereof the following:

"Section 1. In addition to those sums authorized prior to August 28, 2002, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and this chapter.

Section 2. In addition to those sums authorized prior to August 28, 2002, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter.

Section 3. In addition to those sums authorized prior to August 28, 2002, the board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars in the manner described, and for the purposes set out, in chapter 640, RSMo, and in this chapter."; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 442, regarding the Ninetieth Birthday of Lois Mae Weatherman, Holden, which was adopted.

Senator Cauthorn offered Senate Resolution No. 443, regarding Jay H. Truitt, Columbia, which was adopted.

Senator Foster offered Senate Resolution No. 444, regarding Winona Griffin, Bloomfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Chris Alford, Seneca.

Senator Stoll introduced to the Senate, Teresa, Heather and Daniel Wolters, High Ridge.

Senator Foster introduced to the Senate, Sally Elrod and three students from Clearwater High School, Piedmont; and Jacqueline Clover, Elizabeth Larson and Jennifer Darden were made honorary pages.

Senator Foster introduced to the Senate, Matthew and Rachel Henson, Poplar Bluff; and Rachel was made an honorary page.

Senator Klindt introduced to the Senate, Sarah Davenport, Trenton.

Senator Quick introduced to the Senate, Jeannie Ashlock, Bev Fehner, James Lee, Michelle Musselman, Michael Wasche, Sr. and members of Cub Scout Pack 180, Den 10 from St. Charles Church, Kansas City; and Steven Ashlock, Spencer Cope, Peter Fehner, Jake Lee, Myles Musselman, Frank Orallo and Michael Wasche, Jr. were made honorary pages.

Senator Caskey introduced to the Senate, Mr. Larry DesCombes and twenty-four eighth grade students from Leeton R-10 School, Leeton; and Clara Han, South Korea.

Senator Klarich introduced to the Senate, Kevin Roach, Kirksville.

On behalf of Senator Bland and himself, Senator Wiggins introduced to the Senate, Sally Rice, Frankie Taylor, Loretta Bunnell, Park Lightfoot, Eugene Hankins, Harrel Johnson and Anthony Jordon, members of the Kansas City Silver Haired City Council.

Senator Caskey introduced to the Senate, Jim and Karen Young, Clinton; and Jeff Matthews and Jordan Cox, St. Louis; and Jeff and Jordan were made honorary pages.

Senator Klindt introduced to the Senate, Father Chuck Tobin and students from St. Gregory School, Maryville.

Senator Childers introduced to the Senate, Lauren, Dottie and Dale Halfaker, Nixa.

Senator Loudon introduced to the Senate, students from St. Monica School, St. Louis; and Kevin Lorenz, Amanda Terrel, Casey Kraft and Alicia Sciore were made honorary pages.

Senator Bentley introduced to the Senate, Gene and Brett Barnes, Springfield.

On behalf of Senator Loudon and herself, Senator Bentley introduced to the Senate, Jane and Ann Kleve, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SEVENTH DAY-THURSDAY, MARCH 29, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 328 &

88-Harlan

HB 470-Shields and

Hegeman

HS for HCS for HB 425-

O'Toole

HB 249-Treadway

HB 473-Robirds

HCS for HB 334

HB 321-Skaggs, et al

HS for HB 421-Hoppe

HB 444-Kreider, et al

HB 453-Ransdall, et al

HB 603-Hilgemann, et al

HB 742-Harding, et al

HB 361-Shoemyer

HB 808-Gratz and Vogel

HB 691-Barnett, et al

HB 212-Ward

HB 788-O'Connor

HB 454-Monaco

HB 757-Shoemyer

HB 477-Graham

HB 45-Farnen

HB 459-Liese, et al

HB 420-Williams, et al

HB 732-Hosmer

HB 642-Relford

HB 626-Hosmer

HB 693-Smith and Carnahan

HB 769-Harlan

HB 537-Ostmann, et al

HB 544-Holand and

Treadway

HB 318-O'Toole

HB 385-Franklin

THIRD READING OF SENATE BILLS

1. SB 97-Bentley

2. SB 50-Childers

3. SCS for SB 317-Stoll

4. SS for SB 14-Mathewson

5. SS for SB 220-Kinder

6. SS#2 for SCS for SBs 39 &

269-Klarich

7. SB 381-Klarich

8. SS for SCS for SB 267-Klarich

9. SS for SCS for SB 48-Sims

10. SS for SB 339-Stoll

11. SCS for SB 374-Steelman

12. SB 400-Kenney, et al

13. SS for SJR 9-Goode

14. SB 392-Kenney and

DePasco

SENATE BILLS FOR PERFECTION

1. SBs 69 & 458-Gross,

with SCS

2. SB 68-Gross and House,

with SCAs 1 & 2

3. SB 60-Steelman, with SCS

4. SBs 347 & 487-Caskey,

with SCS

5. SB 385-Mathewson

6. SB 331-DePasco, et al,

with SCS

7. SBs 5 & 21-Wiggins,

et al, with SCS

8. SB 373-Gibbons and

Yeckel, with SCS

9. SBs 433 & 248-Kinder

and Gross, with SCS

10. SB 462-Westfall

11. SB 428-Loudon

12. SB 27-Johnson and

Westfall, with SCS

13. SB 99-Sims, with SCS

14. SBs 247 & 330-

Westfall and

Staples, with SCS

15. SB 351-Singleton and

Scott, with SCS

16. SJRs 1 & 4-Schneider,

with SCS

17. SBs 510, 512 & 133-

Kenney, with SCS

18. SJR 11-Yeckel

19. SBs 551, 410, 539,

528 & 296-Sims,

with SCS

20. SBs 476, 427 & 62-

Yeckel, et al, with SCS

21. SB 369-Steelman and

Stoll, with SCS

22. SB 505-Loudon, with

SCS

23. SB 578-Goode and

Russell, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 193-Rohrbach, with SS

& SA 1 (pending)

SBs 214, 124, 209 & 322-

Gross, et al, with SCS

(pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS,

SA 6, SSA 1 for SA 6 &

SA 1 to SSA 1 for SA 6

(pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SBs 323 & 230-Childers,

et al, with SCS (pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS,
SS for SCS, SA 1 &
SSA 3 for SA 1 (pending)
SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)
SB 438-Bentley and Stoll,
with SS & SA 3 (pending)
SB 445-Singleton, with SCS
& SS for SCS (pending)
SB 454-Kinder, with SCS
SBs 459, 305, 396 & 450-
Westfall, with SCS &
SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

Reported 3/13

SB 319-Carter, with SCA 1

SB 460-Klarich

Reported 3/14

SB 617-Steelman, with SCS

SB 500-Mathewson

Reported 3/15

SB 130-Bland

SB 266-Bland, et al, with SCS

SB 542-Klindt

SB 540-Klindt

SRB 606-Rohrbach and

Gibbons SENATE BILLS WITH HOUSE AMENDMENTS

SB 256-Caskey, with HCA 1

& HA 1

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 14-Mathewson, with SCS

SCR 17-Steelmann, et al

SCR 23-DePasco

SCR 25-Loudon, with SCA 1

HCR 16-Green and Holt

SR 280-Steelmann

SCR 26-Stoll, et al, with SCA 1

SCR 27-Goode and Russell

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY--THURSDAY, MARCH 29, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Thus says the Lord: "I will bind up the injured, and I will strengthen the weak." (Ezekiel 34:16)

Heavenly Father, we complete another week faced with a calendar that tells us seven weeks remain to complete what we need to get done. Thank You for being in the midst of what we are going through and providing the peace we need to heal our stress. Ride with us, we pray, as we return to those we love and serve and we ask that You use us to be Your healing presence to others in need of you. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
Absent with leave--Senators			
Carter	DePasco--2		
The Lieutenant Governor was present.			

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 445, regarding Executive Director Rhoda Clark and Court Appointed Special Advocates (CASA) of Southwest Missouri, which was adopted.

Senator Bentley offered Senate Resolution No. 446, regarding Todd D. Schaible, Ph.D., Springfield, which was adopted.

THIRD READING OF SENATE BILLS

SB 460, introduced by Senator Klarich, entitled:

An Act to repeal section 144.815, RSMo 2000, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 460** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senators			
Carter	DePasco--2		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Caskey moved that **SB 256**, with **HCA 1** and **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Gross--1			
Absent--Senator Scott--1			
Absent with leave--Senators			

Carter DePasco--2

HA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bland	Goode	Mathewson	Singleton
Westfall--5			
Absent with leave--Senators			
Carter	DePasco--2		

On motion of Senator Caskey, SB 256, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senators			
Carter	DePasco--2		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			

Absent--Senators

Goode--2

Absent with leave--Senators

DePasco--2

Bentley

Carter

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **SCR 14**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 14** was taken up.

On motion of Senator Mathewson, **SCS** for **SCR 14** was adopted by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland

Staples--3

Absent with leave--Senators

DePasco--2

Bentley

Carter

Senator Loudon moved that **SCR 25**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Loudon, **SCR 25**, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

	NAYS--Senators		
Goode	Jacob--2		
	Absent--Senators		
Johnson	Quick	Singleton	Staples--4
	Absent with leave--Senators		
Carter	DePasco--2		

Senator Stoll moved that **SCR 26**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 26, Page 410 of the Senate Journal for Tuesday, March 6, 2001, Column 2, Line 41 of said column, by inserting after all of said line the following:

"BE IT FURTHER RESOLVED, that the committee conduct an in depth review of funding sources for public education that could serve as a replacement for the property tax; and".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Stoll, **SCR 26**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Staples--1		
	Absent with leave--Senators		
Carter	DePasco--2		

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of James K. Reinhard, as a member of the Missouri Agriculture and Small Business Development Authority, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Gary D. Collins, as a member of the Missouri Housing Development Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rohrbach moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Delores A. Hudson, as a member of the Board of Governors for Central Missouri State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Caskey moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Milamari A. Cunningham, as a member of the Missouri Health Facilities Review Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Robert Steven Gaw, as a member of the Public Service Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 448** and **SB 588**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 535**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 66**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 525**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 225**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 180**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 583**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 488**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 387**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 455**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 334** and **SB 228**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 469**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 546**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 337**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Klindt, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 593**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 949**, entitled:

An Act to repeal section 197.285, RSMo 2000, and to enact in lieu thereof one new section relating to hospital whistle-blower protections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 725**, entitled:

An Act to repeal section 165.011, RSMo 2000, relating to transfers of funds in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 590**, entitled:

An Act to repeal section 135.490, RSMo 2000, relating to tax relief for small employers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 648**, entitled:

An Act to repeal sections 302.130 and 302.178, RSMo 2000, relating to temporary driver's permits, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 447, regarding the Fiftieth Anniversary of the Pastime Club, Imperial, which was adopted.

COMMUNICATIONS

Senator Bland submitted the following:

March 29, 2001

Mrs. Terry Spieler

Secretary of the Senate

Room 325, State Capitol

Jefferson City, Missouri 65101

Dear Mrs. Spieler:

In my absence, I am requesting that Senator Mary Groves Bland handle my SB 319 with SCA-1. This bill is currently on the Senate Consent Calendar.

Thank you for your attention to this matter.

Sincerely,

/s/ Paula J. Carter

Senator Paula J. Carter

Fifth Senatorial District

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, his granddaughter, Rachel Staples, Eminence; Stacey Ellis, Shannon Lee and Erica Weems, Farmington; Kyle Gilliam, Park Hills; Amber Janis and Allen Robbins, Desloge; Maggie Martin, Eminence; and Logan Merrill, Potosi, members of the Mineral Area College Student Government Class; and Advisors Debbie Lee and Scott Cracraft.

Senator Klarich introduced to the Senate, Suzie, Jay, Alexandra and Chandler Dalton, Town and County; and Jay, Alexandra and Chandler were made honorary pages.

Senator Caskey introduced to the Senate, Mike Moreland, Ryan Percy and Chase Stubbe, Harrisonville; and Rachel Findley and Logan Huitt, Pleasant Hill.

Senator Westfall introduced to the Senate, Megan Brower, Serena Ehlers, Jeff Venning and Joe Ewing, Cedar County Farm Bureau Youth Leadership.

Senator Klindt introduced to the Senate, Paul Thomas, Grant Wright, Adam Ratliff, Jeremy Fenimore, Cody Sittner, Jacob Rose, Bryan Barnett and Gary Hill, Harrison County Farm Bureau Youth Leadership.

Senator House introduced to the Senate, his son, Benjamin, St. Charles County; and Benjamin was made an honorary page.

Senator Rohrbach introduced to the Senate, his cousin, Nicholas Schoenthal, his niece, Rachel Rohrbach, Lora Muri, Hannah Schatzer, Allison Williams, Cole Knipp, Heidi Eschenbrenner and Sandi Knipp, Moniteau County Farm Bureau Youth Leadership.

Senator Johnson introduced to the Senate, Jim Baber, Krystal Allan, Nick Taulbee and James Klostermayer, Platte County Farm Bureau Youth Leadership.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Cauthorn introduced to the Senate, Nena Palmer, James Penn, Jennifer Collier, Amanda Fagan, Clarissa Palmer, Daniel Stokes and Alaina Murray, Knox County Farm Bureau Youth Leadership.

Senator Cauthorn introduced to the Senate, Marie Ebbesmeyer, Tracy Huffman, Megan Wade, Joey Taylor, Katie Windman and Casey Berghold, Monroe County Farm Bureau Youth Leadership.

Senator Schneider introduced to the Senate, eight parents and sixty-five fourth grade students from Halls Ferry Elementary School, Florissant; and Meryl Collins, Megan Dougherty, Renae Hooks and Rodney Maldonado were made honorary pages.

Senator Klindt introduced to the Senate, representatives of Sullivan, Carroll, Harrison, Livingston, Mercer and Atchison Counties Farm Bureau Youth Leadership.

Senator Westfall introduced to the Senate, Steve Zidlick, Jim Hamilton, Carla Moore, and Anna Williams, Polk County Farm Bureau Youth Leadership.

Senator Westfall introduced to the Senate, Jessica McConnel, Adam Owen, Sarah Abbott, Melissa Shuler, Andy Cook, Jennifer Thompson and John Sparkman, Greene County Farm Bureau Youth Leadership.

Senator Westfall introduced to the Senate, Boone Middleton and eighth grade students from Marionville.

Senator Mathewson introduced to the Senate, Becky Plattner and six students with Lafayette County Farm Bureau Youth Leadership.

Senator Russell introduced to the Senate, Matt Waterman, Columbia.

Senator Russell introduced to the Senate, Dayle Nelson, Terri Winkler, Ashley Fisk, Ashley Perkins, Holley Cahow, Ilene Phillips, John Stroup, Ricky Rose and Jim Hamilton, Dallas County.

Senator Russell introduced to the Senate, Rev. Guy and Mrs. Laverne Von Luven, Sandi Light, Jennifer Meyer, Lawayne Perryman, Adam Hoffman, Amy Lewis, Adam Zeman and Steve Percival, Lebanon Farm Bureau Youth Leadership.

Senator Johnson introduced to the Senate, Mark Pierce, Matt Sailor, Dixie Matthews, Hannah Pepper and Remington Pierce, Buchanan County Farm Bureau Youth Leadership; and Matt, Dixie, Hannah and Remington were made honorary pages.

Senator Steelman introduced to the Senate, Ms. Barb Berendzen and one hundred students from Salem R-80 Upper Elementary School, Salem; and Rachel Von Rouzeleu, Hannah Kettner, Andrew Galloway and Julie Baird were made honorary pages.

Senator Childers introduced to the Senate, Steve Glighorn, Nicole Miller, Andrea Spoor, Alan Miller and Brian Jungferman, West Plains Farm Bureau Youth Leadership.

Senator Caskey introduced to the Senate, Val Bennett; Cassie Youngblood and John Love, Osceola High School; Heidi Osner and Taylor Hankins, Lakeland High School; and Tony and Joe Mullen, Appleton City High School, Farm Bureau Youth Leadership.

Senator Kinder introduced to the Senate, Norman Weiss, Bob Nitsch, Adam Hahs, Doug Ludwig, Tony Hoffman, Amanda Sanders and Jennifer Weiss, Jackson Farm Bureau Youth Leadership.

Senator Russell introduced to the Senate, Albert Matney, Tiffany Coonce, Tammy Potter, Keith Jackson and Stan Coday, Mansfield.

Senator Yeckel introduced to the Senate, Carol Ziegler and students from St. Margaret Mary Alacoque Catholic School, St. Louis County.

Senator Caskey introduced to the Senate, Kate

Alleger, Patty Boehler, Tyler Smith, Jacob Boehler, and David Swaters, Henry County Farm Bureau Youth Leadership.

Senator Rohrbach introduced to the Senate, Matt Jones, Ryan Hodges, Andy Small, Melissa Schadd and Bill Hunter, Morgan County Farm Bureau Youth Leadership.

Senator Cauthorn introduced to the Senate, Cary Swain, Rebecca Fennewald, Rusty Blaue, Melissa Buckman, Laura Schaefer, Justin Seay and Jerry Johnson, Audrain County.

Senator Kinder introduced to the Senate, Red Richardet, Brian Koenig, Marcy Pingel, Jennifer Gibbar, Anna Winkler, Dana Reinwald, Eril Reinwald, Terry Schneier, Jim Neislein, Mike Meyer, Julie Huber and Nick Hotop, Perry County Farm Bureau Youth Leadership.

Senator Steelman introduced to the Senate, fourth grade students from Salem R-80 School, Salem; and Cody Wofford, Kendra Crocker, Jessica Petty and Adam Lowe were made honorary pages.

Senator House introduced to the Senate, Mary Vogt, Winona Landers, Sharla Gear and Webelos Pack 530, St. Charles County; and Mychal Ahmann, Adam Killiam, Zachary Gear, Keith Landers, Brennan Weems, T.J. Vogt, Joshua Zigler, Chris Venable and Tiger Cub Scout Jeremy Gear were made honorary pages.

On behalf of Senator Kinder, the President introduced to the Senate, Sharon Gentry and seventeen fourth grade students from Cape Christian School, Cape Girardeau and Brandon Chiu and Marie Deiermann were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 3:00 p.m., Monday, April 2, 2001.

SENATE CALENDAR

FORTY-EIGHTH DAY-MONDAY, APRIL 2, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 328 &
88-Harlan

HB 470-Shields and
Hegeman

HS for HCS for HB 425-
O'Toole

HB 249-Treadway

HB 473-Robirds

HCS for HB 334

HB 321-Skaggs, et al

HS for HB 421-Hoppe

HB 444-Kreider, et al

HB 453-Ransdall, et al

HB 603-Hilgemann, et al

HB 742-Harding, et al

HB 361-Shoemyer

HB 808-Gratz and Vogel

HB 691-Barnett, et al

HB 212-Ward

HB 788-O'Connor

HB 454-Monaco

HB 757-Shoemyer

HB 477-Graham

HB 45-Farnen

HB 459-Liese, et al

HB 420-Williams, et al

HB 732-Hosmer

HB 642-Relford

HB 626-Hosmer

HB 693-Smith and Carnahan

HB 769-Harlan

HB 537-Ostmann, et al

HB 544-Holand and

Treadway

HB 318-O'Toole

HB 385-Franklin

HB 949-Barry

HB 725-Britt

HB 590-Graham

HB 648-Ostmann, et al

THIRD READING OF SENATE BILLS

1. SB 97-Bentley

2. SB 50-Childers

3. SCS for SB 317-Stoll

4. SS for SB 14-Mathewson

5. SS for SB 220-Kinder

6. SS#2 for SCS for SBs

39 & 269-Klarich

7. SB 381-Klarich

8. SS for SCS for SB 267-

Klarich

9. SS for SCS for SB 48-

Sims

10. SS for SB 339-Stoll

11. SCS for SB 374-

Steelman

12. SB 400-Kenney, et al

13. SS for SJR 9-Goode

14. SB 392-Kenney and

DePasco

SENATE BILLS FOR PERFECTION

1. SBs 69 & 458-Gross,

with SCS

2. SB 68-Gross and House,

with SCAs 1 & 2

3. SB 60-Steelman, with SCS

4. SBs 347 & 487-Caskey,

with SCS

5. SB 385-Mathewson

6. SB 331-DePasco, et al,

with SCS

7. SBs 5 & 21-Wiggins,

et al, with SCS

8. SB 373-Gibbons and

Yeckel, with SCS

9. SBs 433 & 248-Kinder

and Gross, with SCS

10. SB 462-Westfall

11. SB 428-Loudon

12. SB 27-Johnson and

Westfall, with SCS

13. SB 99-Sims, with SCS

14. SBs 247 & 330-Westfall

and Staples, with SCS

15. SB 351-Singleton and

Scott, with SCS

16. SJRs 1 & 4-Schneider,

with SCS

17. SBs 510, 512 & 133-

Kenney, with SCS

18. SJR 11-Yeckel

19. SBs 551, 410, 539, 528

& 296-Sims, with SCS

20. SBs 476, 427 & 62-

Yeckel, et al, with SCS

21. SB 369-Steelman and

Stoll, with SCS

22. SB 505-Loudon, with SCS

23. SB 578-Goode and

Russell, with SCS

24. SBs 448 & 588-Sims,

et al, with SCS

25. SB 535-Rohrbach, with
SCS
26. SB 66-Gibbons, with
SCS#2
27. SB 525-Cauthorn, with
SCS
28. SB 242-Kenney
29. SB 225-Mathewson,
with SCS
30. SB 180-Klarich
31. SB 583-Yeckel
32. SB 488-Klindt, et al,
with SCS
33. SB 387-Goode, et al,
with SCS
34. SB 455-Kinder, et al,
with SCS
35. SBs 334 & 228-Kinder,
with SCS
36. SB 469-Gross, et al
37. SB 546-Kenney, et al,
with SCS
38. SB 337-House and
Kinder
39. SB 593-Klindt, with SCS

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,
with SCS & SS for SCS
(pending)

SBs 52 & 91-Childers,
with SCS and SA 3
(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,
SS for SCS & SA 1
(pending)

SB 184-Johnson, et al,
with SS#2 (pending)

SB 193-Rohrbach, with SS
& SA 1 (pending)

SBs 214, 124, 209 & 322-
Gross, et al, with SCS
(pending)

SB 222-Caskey, with SA 3
& SSA 1 for SA 3
(pending)

SB 226-Goode, et al,
with SCS

SBs 238 & 250-Staples, et
al, with SCS (pending)

SB 239-Stoll, with SCS,
SA 6, SSA 1 for SA 6 &
SA 1 to SSA 1 for SA 6
(pending)

SB 251-Kinder

SBs 253 & 260-Gross, with
SCS (pending)

SBs 323 & 230-Childers,
et al, with SCS (pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS,
SS for SCS, SA 1 & SSA 3
for SA 1 (pending)

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

SB 438-Bentley and Stoll,
with SS & SA 3 (pending)

SB 445-Singleton, with
SCS & SS for SCS
(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-
Westfall, with SCS &

SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with
SCS

Reported 3/13

SB 319-Carter, with SCA 1

Reported 3/14

SB 617-Steelman, with SCS

SB 500-Mathewson

Reported 3/15

SB 130-Bland

SB 266-Bland, et al, with

SCS

SB 542-Klindt

SB 540-Klindt

SRB 606-Rohrbach and

Gibbons

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

SCR 23-DePasco

HCR 16-Green and Holt

(House)

SR 280-Steelman

SCR 27-Goode and Russell

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY--MONDAY, APRIL 2, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we are thankful for Your watching our "going out and coming in." We have arrived safely to meet the challenges of diminishing time and yet much to be completed. We look at the changes and chances of this life and know that we have little control over what comes our way. But we pray those things that we can control may we have the wisdom to know what to do and say and when to do that. Bless us this week with Your presence and guide us along righteous pathways. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 29, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 448, regarding Adam Joseph Freestone, Parkville, which was adopted.

Senator Johnson offered Senate Resolution No. 449, regarding Michael Joseph Otto, Kansas City, which was adopted.

Senator Johnson offered Senate Resolution No. 450, regarding Christopher Fent "Chris" Johnston, Parkville, which was adopted.

Senator Caskey offered Senate Resolution No. 451, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Herbert Fair, Clinton, which was adopted.

Senator Loudon offered Senate Resolution No. 452, regarding Carole H. Welch, RN, MSM, Chesterfield, which was adopted.

Senator Caskey offered Senate Resolution No. 453, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James E. "Jim" King, Butler, which was adopted.

THIRD READING OF SENATE BILLS

SB 319, with **SCA 1**, introduced by Senator Carter, entitled:

An Act to repeal section 160.518, RSMo 2000, and to enact in lieu thereof one new section relating to assessment of students for whom English is a second language.

Was called from the Consent Calendar and taken up by Senator Bland.

SCA 1 was taken up.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bland, **SB 319**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senator Quick--1			
Absent with leave--Senators			
Carter	Schneider--2		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Bland moved that **SB 130** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Bland, **SB 130** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Cauthorn	Childers
DePasco	Foster	Goode	House
Jacob	Johnson	Kenney	Klarich
Klindt	Mathewson	Quick	Russell
Scott	Sims	Singleton	Staples

Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		
Caskey	Gibbons	Gross	Kinder
Loudon	Rohrbach--6		
	Absent--Senator Dougherty--1		
	Absent with leave--Senators		
Carter	Schneider--2		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 256**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 256**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 256, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 15** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 664**, entitled:

An Act to repeal sections 352.500, 352.505, 352.510, 352.515 and 352.520, RSMo 2000, relating to charitable gift annuities, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 314**, entitled:

An Act to repeal sections 337.615, 337.618 and 337.622, RSMo 2000, relating to social work, and to enact in lieu thereof sixteen new sections relating to the licensure of baccalaureate social workers, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 501**, entitled:

An Act to repeal sections 644.572, 644.574 and 644.576, RSMo 2000, relating to water pollution bonds, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 327**, entitled:

An Act to repeal sections 135.208, 135.209, 135.230, 135.478, 135.530, 301.600, 319.129, 319.131, 319.132, 319.133 and 319.138, RSMo 2000, and to enact in lieu thereof twelve new sections relating to property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 15** and grant the House a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 193**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 193, Page 1, Section A, Line 12, by inserting immediately after all of said line the following:

"148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or interinsurance exchange to the extent attributable to the principal business as such attorney in fact, under any law of this state. **For all tax years beginning on or after January 1, 2003, a deduction for examination fees which exceeds an insurance company's or association's premium tax liability for the same tax year shall not be refundable, but may be carried forward to any subsequent tax year, not to exceed five years, until the full deduction is claimed.**"; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 193, Page 55, Section 379.356, Lines 17-22, by deleting all of said lines and inserting in lieu thereof the following:

"2. An insurer or insurance producer may charge additional incidental fees for premium installments, late payments, policy reinstatement, policy cancellations made at the request of the insured or other similar services specifically provided for by law or regulation. Such fees shall be disclosed to the applicant or insured in writing."

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Rohrbach offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 193, Page 8, Section 375.014, Line 19, by inserting immediately after said line the following:

"4. Those individuals and business entities licensed as of January 1, 2003 shall be issued an individual insurance producer or a business entity insurance producer license as the licenses renew on or after January 1, 2003. The licenses held by individuals and business entities on the effective date of this act shall be deemed valid and accrue the rights, privileges and responsibilities of an insurance producer license until an insurance producer license is issued on renewal."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 193, Page 28, Section 375.020, Line 25 of said page, by deleting the words **"state and"** on said line.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 193, Page 32, Section 375.023, Lines 15-18, by deleting all of said lines and inserting in lieu thereof the following: "**termination. The insurer shall also update its company**"; and

Further amend said section, page 33, lines 13-22, by deleting all of said lines and inserting in lieu thereof the following: "**by them in good faith. Nothing in this subsection shall be construed to affect the discovery of documents, records or statements otherwise discoverable pursuant to the Missouri Rules of Civil Procedure.**

5. The director is authorized to use"; and

Further amend said bill, page and section, line 8, by striking the words "**and absolutely privileged**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 193, Page 55, Section 379.356, Lines 17-22, by deleting all of said lines and inserting in lieu thereof the following:

"2. An insurer or insurance producer may charge additional incidental fees for premium installments, late payments, policy reinstatements, or other similar services specifically provided for by law or regulation. Such fees shall be disclosed to the applicant or insured in writing."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 193, Page 6, Section 375.014, Line 15, by inserting after the word "policyholders" the following: "or an officer, director or employee of an insurer or insurance producer who performs executive, administrative, managerial or clerical activities in conjunction with responses to requests from existing policyholders on existing policies, but who provides no advice or counsel to a policyholder with respect to the terms and conditions of the insurance contract".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach moved that **SS** for **SB 193**, as amended, be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SS** for **SB 193**, as amended, was declared perfected and ordered printed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 15**: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 69** and **SB 458**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 69** and **458**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 69 and 458

An Act to repeal sections 191.905, 252.235, 569.095, 569.097, 569.099, 570.020, 570.030, 570.080, 570.085, 570.120, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo 2000, relating to felony stealing limit, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Gross moved that **SCS** for **SBs 69** and **458** be adopted.

Senator Singleton assumed the Chair.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 69 and 458, Page 2, Section 191.905, Lines 44-45, by striking all of said lines and inserting in lieu thereof the following: "hundred fifty] **five hundred** dollars[, in which event a violation of subsection 6 of this section is]. **If the value of the property involved is at least one hundred fifty dollars but less than five hundred dollars, a violation shall be a class D felony. If the value of the property involved is less than one hundred fifty dollars, a violation shall be a class A misdemeanor.**"; and

Further amend said bill, Page 5, Section 252.235, Line 5, by striking the opening bracket "["; and further amend line 6, by striking the following: "] **five hundred**"; and further amend line 8, by inserting after the word "to" the following: "**at least one hundred fifty dollars but**"; and

Further amend said bill, Page 6, Section 569.097, Line 11, by striking the opening bracket "[" and inserting in lieu thereof the following: "**at least**"; and further amend said line by striking the closing bracket "]"; and further amend line 12, by striking the words "five hundred"; and further amend said line, by striking the words "or more" and inserting in lieu thereof the following: "**but less than five hundred dollars**"; and further amend line 14, by striking the opening bracket "[" and inserting in lieu thereof the following: "**at least**"; and further amend said line by striking the closing bracket "]"; and further amend said line by striking the words "five hundred"; and further amend said line, by striking the words "or more" and inserting in lieu thereof the following: "**but less than five hundred dollars**"; and further amend line 17, by striking the words "one thousand dollars or" and inserting in lieu thereof the words "**five hundred dollars or**"; and

Further amend said bill, Page 6, Section 569.099, Line 11, by striking the opening bracket "[" and inserting in lieu thereof the following: "**at least**"; and further amend said section, page 7, line 12, by striking the closing bracket "]"; and further amend said line, by striking the words "five hundred"; and further amend said line, by striking the words "or more" and inserting in lieu thereof the following: "**but less than five hundred dollars**"; and further amend line 13, by inserting at the end of said line the following: "**If the value is five hundred dollars or more, tampering with computer users shall be a class C felony.**"; and

Further amend said bill, Page 10, Section 570.120, Line 26, by striking the opening bracket "[" and inserting in lieu thereof the following: "**at least**"; and further amend said line, by striking the closing bracket "]"; and further amend said line, by striking the words "five hundred"; and further amend said line, by striking the words "or more" and inserting in lieu thereof the following: "**but less than five hundred dollars**"; and further amend line 29, by inserting immediately after the word "felony" the following: ", **unless the amount involved is five hundred dollars or more, in which case passing bad checks shall be a class C felony.**"; and

Further amend said bill, Page 12, Section 570.125, Line 5, by striking the opening bracket "[" and inserting in lieu thereof the following: "**at least**"; and further amend said line, by striking the closing bracket "]"; and further amend line 6, by striking the words "five hundred"; and further amend said line, by striking the words "or more" and inserting

in lieu thereof the following: "**but less than five hundred dollars**"; and further amend line 7, by striking the opening bracket "[" and inserting in lieu thereof the following: "**at least**"; and further amend line 8, by striking the closing bracket "]" and inserting in lieu thereof the following: "**but less than five hundred dollars**"; and further amend line 9, by inserting at the end of said line the following: "**If the amount involved is five hundred dollars or more, the offense is a class C felony.**"; and

Further amend said bill, Page 12, Section 570.130, Line 9, by striking the opening bracket "[" and inserting in lieu thereof the following: "**at least**"; and further amend said line, by striking the closing bracket "]" and inserting in lieu thereof the following: "**but less than five hundred dollars**"; and further amend line 10, by inserting at the end of said line the following: "**If the value is five hundred dollars or more, the offense is a class C felony.**"; and

Further amend said bill, Page 13, Section 570.210, Line 22, by inserting immediately after the word "more" the following: "; **and a class D felony if the value is at least one hundred fifty dollars but less than five hundred dollars**"; and

Further amend said bill, Page 13, Section 570.300, Line 17, by inserting immediately after the word "more" the following: ", **and a class D felony if the value is at least one hundred fifty dollars but less than five hundred dollars**"; and

Further amend said bill, Page 16, Section 578.150, Line 56, by striking the opening bracket "[" and inserting in lieu thereof the following: "**at least**"; and further amend said line, by striking the closing bracket "]" and inserting in lieu thereof the following: "**but less than five hundred dollars**"; and further amend said line by striking the letter "C" and inserting in lieu thereof the letter "D"; and further amend said line, by inserting at the end of said line the following: "**If the value is five hundred dollars or more, the offense is a class C felony.**"; and

Further amend said bill, Page 16, Section 578.377, Line 5, by striking the letter "D" and inserting in lieu thereof the letter "C"; and further amend line 6, by inserting after the word "is" the following: "**at least one hundred fifty dollars but**"; and further amend line 8, by striking the following: "A misdemeanor"; and inserting in lieu thereof the following: "**D felony, or if the value is less than one hundred fifty dollars in which case the offense if a class A misdemeanor**"; and

Further amend said bill, Page 16, Section 578.379, Line 5, by striking the letter "D" and inserting in lieu thereof the letter "C"; and further amend line 6, by inserting after the word "is" the following: "**at least one hundred fifty dollars but**"; and further amend line 8, by striking the following: "A misdemeanor"; and inserting in lieu thereof the following: "**D felony, or if the value is less than one hundred fifty dollars in which case the offense if a class A misdemeanor**"; and

Further amend said bill, Page 16, Section 578.381, Line 5, by striking the letter "D" and inserting in lieu thereof the letter "C"; and further amend line 6, by inserting after the word "is" the following: "**at least one hundred fifty dollars but**"; and further amend line 8, by striking the following: "A misdemeanor"; and inserting in lieu thereof the following: "**D felony, or if the value is less than one hundred fifty dollars in which case the offense if a class A misdemeanor**"; and

Further amend said bill, Page 17, Section 578.385, Line 18, by striking the letter "D" and inserting in lieu thereof the letter "C"; and further amend line 19, by inserting after the word "is" the following: "**at least one hundred fifty dollars but**"; and further amend lines 20-21, by striking the following: "A misdemeanor"; and inserting in lieu thereof the following: "**D felony, or if the value is less than one hundred fifty dollars in which case the offense if a class A misdemeanor**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 69 and 458, Page 5, Section 252.235, Line 17, by inserting after all of said line the following:

"478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982.

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SCS** for **SBs 69** and **458**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SBs 69** and **458**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 68**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

At the request of Senator Gross, **SB 68**, as amended, was placed on the Informal Calendar.

Senator Steelman moved that **SB 60**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 60

An Act to repeal sections 660.050, 660.058, 660.250, 660.260 and 660.300, RSMo 2000, relating to in-home care for the elderly, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Steelman moved that **SCS** for **SB 60** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 60, Page 11, Section 660.300, Line 135, by inserting after all of said line the following:

17. Subject to appropriations, all nurse visits authorized in sections 660.250 to 660.300 shall be reimbursed to the in-home services provider agency."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 60, Page 1, In the Title, Line 3, by striking the words "in-home care for the elderly" and inserting lieu thereof the words "certain health care services"; and

Further amend said bill and page, Section 9.160, line 5, by inserting the following after all of said line:

"208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

[(13)] **(14)** Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

[(14)] **(15)** Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

[(15)] **(16)** The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

[(16)] (17) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

[(17)] (18) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. section 1396r-1, as amended;

[(18)] (19) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

[(19)] (20) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

[(20)] (21) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

[(21)] (22) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

[(22)] (23) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health designees. To the greatest extent possible the department of social services and the department of health shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health. The department of social

services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

[(23)] (24) By January 1, 1988, the department of social services and the department of health shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

[(24)] (25) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

[(25)] (26) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services. If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

[(26)] (27) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii).

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual

who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the oncologist or primary care physician for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits **with the exception that no time limit shall be imposed on an individual for the receipt of prosthetic devices or reconstructive surgery and if such individual changes his or her insurer, then such coverage for prosthetic devices or reconstructive surgery shall transfer with the individual.**

2. As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334, RSMo.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy."; and

Further amend said bill, Page 5, Section 660.050, Line 123, by inserting after the word "services" the words "as authorized by the division of aging"; and further amend Line 125, by striking the words "hospice programs"; and

Further amend said bill, Page 10, Section 660.300, Line 109 by inserting after the word "in-home", the word "services"; and

Further amend said bill, Page 11, Section 660.300, Line 126, by inserting after the word "in-home" the word "services"; and

Further amend said bill, Page 11, Section 660.300, Line 130, by inserting after the word "in-home" the word "services"; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 60, Page 11, Section 660.302, Line 22, by inserting after all of said line the following:

"Section 1. All existing developments authorized by section 198.531 RSMo shall be exempt from the provisions of sections 197.300 to 197.367."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 60, Page 9, Section 660.300.12, Lines 74-76, by striking all of said lines and inserting in lieu thereof the following: **"and if the supervising in-home services provider willfully and knowingly failed to report known abuse by said employee to the department, then the supervising in-home services provider may be subject to administrative penalties of one thousand"**.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SCS** for **SB 60**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 60**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 15**. Representatives: Green (73), Graham, Wilson (42), Legan and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 865**, entitled:

An Act to repeal section 160.522, RSMo 2000, and to enact in lieu thereof one new section relating to building-level school accountability report cards.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 716**, entitled:

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665 and 334.670, RSMo 2000, relating to physical therapists and physical therapist assistants, and to enact in lieu thereof ten new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 470--Transportation.

HS for **HCS** for **HB 425**--Commerce and Environment.

HB 444--Ways and Means.

HB 603--Aging, Families and Mental Health.

HB 742--Local Government and Economic Development.

HB 361--Local Government and Economic Development.

HB 808--Local Government and Economic Development.

HB 691--Transportation.

HB 212--Insurance and Housing.

HB 788--Commerce and Environment.

HB 454--Aging, Families and Mental Health.

HB 757--Public Health and Welfare.

HB 477--Transportation.

HB 45--Education.

HB 459--Insurance and Housing.

HB 420--Transportation.

HB 732--Judiciary.

HB 642--Local Government and Economic Development.

HB 626--Judiciary.

HB 693--Judiciary.

HB 769--Education.

HB 544--Public Health and Welfare.

HB 318--Pensions and General Laws.

HB 385--Pensions and General Laws.

HB 949--Aging, Families and Mental Health.

HB 725--Education.

HB 590--Ways and Means.

HB 648--Transportation.

RE-REFERRALS

President Pro Tem Kinder re-referred **HB 265** to the Committee on Judiciary.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 458**, entitled:

An Act to repeal section 307.100, RSMo 2000, relating to the use of warning signals on motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 454, regarding Brenda Marah, Mountain Grove, which was adopted.

Senator Yeckel offered Senate Resolution No. 455, regarding the Sixtieth Anniversary of St. Luke's United Methodist Church, St. Louis County, which was adopted.

Senator Russell offered Senate Resolution No. 456, regarding Clara Faye Dennis, Mountain Grove, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Nick Myers, Joplin; and Kathy Meyer, Jim O'Halloran and Mark Mersmann, St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-NINTH DAY-TUESDAY, APRIL 3, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 328 &

88-Harlan

HB 249-Treadway

HB 473-Robirds

HCS for HB 334

HB 321-Skaggs, et al

HS for HB 421-Hoppe

HB 453-Ransdall, et al

HB 537-Ostmann, et al

HB 664-Skaggs

HB 314-Treadway and

Nordwald

HB 501-Bowman, et al

HS for HCS for HB 327-Rizzo

HB 865-Davis

HB 716-Treadway and

Burton

HB 458-Lawson, et al

THIRD READING OF SENATE BILLS

1. SB 97-Bentley
 2. SB 50-Childers
 3. SCS for SB 317-Stoll
 4. SS for SB 14-Mathewson
 5. SS for SB 220-Kinder
 6. SS#2 for SCS for SBs 39 &
269-Klarich
 7. SB 381-Klarich
 8. SS for SCS for SB 267-Klarich
 9. SS for SCS for SB 48-Sims
 10. SS for SB 339-Stoll
 11. SCS for SB 374-Steelman
 12. SB 400-Kenney, et al
 13. SS for SJR 9-Goode
 14. SB 392-Kenney and
DePasco
- SENATE BILLS FOR PERFECTION

1. SBs 347 & 487-Caskey,
with SCS
2. SB 385-Mathewson
3. SB 331-DePasco, et al,
with SCS
4. SBs 5 & 21-Wiggins,
et al, with SCS
5. SB 373-Gibbons and
Yeckel, with SCS

6. SBs 433 & 248-Kinder
and Gross, with SCS
7. SB 462-Westfall
8. SB 428-Loudon
9. SB 27-Johnson and
Westfall, with SCS
10. SB 99-Sims, with SCS
11. SBs 247 & 330-Westfall
and Staples, with SCS
12. SB 351-Singleton and
Scott, with SCS
13. SJRs 1 & 4-Schneider,
with SCS
14. SBs 510, 512 & 133-
Kenney, with SCS
15. SJR 11-Yeckel
16. SBs 551, 410, 539, 528
& 296-Sims, with SCS
17. SBs 476, 427 & 62-
Yeckel, et al, with SCS
18. SB 369-Steelman and
Stoll, with SCS
19. SB 505-Loudon, with SCS
20. SB 578-Goode and
Russell, with SCS
21. SBs 448 & 588-Sims,
et al, with SCS
22. SB 535-Rohrbach, with SCS

23. SB 66-Gibbons, with SCS#2

24. SB 525-Cauthorn, with SCS

25. SB 242-Kenney

26. SB 225-Mathewson,
with SCS

27. SB 180-Klarich

28. SB 583-Yeckel

29. SB 488-Klindt, et al,
with SCS

30. SB 387-Goode, et al,
with SCS

31. SB 455-Kinder, et al,
with SCS

32. SBs 334 & 228-Kinder,
with SCS

33. SB 469-Gross, et al

34. SB 546-Kenney, et al,
with SCS

35. SB 337-House and Kinder

36. SB 593-Klindt, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SBs 89 & 37-Kinder, with

SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SBs 214, 124, 209 & 322-

Gross, et al, with SCS

(pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with

SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS,

SA 6, SSA 1 for SA 6 &

SA 1 to SSA 1 for SA 6

(pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SBs 323 & 230-Childers,

et al, with SCS

(pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 &

SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS & SA 3 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with
SCS

Reported 3/14

SB 617-Steelman, with SCS

SB 500-Mathewson

Reported 3/15

SB 266-Bland, et al, with SCS

SB 542-Klindt

SB 540-Klindt

SRB 606-Rohrbach and Gibbons

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

SCR 23-DePasco

HCR 16-Green and Holt

(House)

SR 280-Steelman

SCR 27-Goode and Russell

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FORTY-NINTH DAY--TUESDAY, APRIL 3, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Like good stewards of the manifold grace of God, serve one another with whatever gift each of you has received." (1 Peter 4:10)

O God, You have shown us what a servant's heart reveals to the world. We need to keep our service to You in mind today, not as a way of elevating ourselves but as a way so that it may yet give You praise of Your glory. Give us discernment and a chance to employ our gifts to assist one another here in this chamber so our burdens are lightened and our work moves more smoothly. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Senator Kenney announced that photographers from Moberly Middle School were given permission to film in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

Senator Klarich assumed the Chair.

CONCURRENT RESOLUTIONS

Senator DePasco offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, recent high fuel prices have alerted us to the need to improve our nation's policies on fuel production; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) has recently suggested that they will reduce crude oil production again in

an attempt to manipulate prices; and

WHEREAS, reductions in crude oil production have resulted in sharp increases in prices for natural gas, gasoline and home heating oil; and

WHEREAS, the United States has become dangerously dependent on foreign petroleum; and

WHEREAS, Missouri consumers are experiencing higher prices at the pump and in home heating costs, and the economic stability of many areas of the state which rely on tourism may be jeopardized if the number of persons traveling to Missouri's vacation destinations is significantly reduced due to increased gasoline prices; and

WHEREAS, the trucking industry, heavily dependent on the availability and price of gasoline and diesel fuel, has been especially hard hit by the increase in fuel costs that have resulted in a significant increase in the transportation costs associated with the delivery of consumer goods throughout the state. Such an increase in cost to the trucking industry will inevitably be passed along to consumers as an increase in the price of consumer goods; and

WHEREAS, the increased petroleum fuel costs is particularly detrimental to Missouri family farmers because it comes at a time when overall market prices are low; and

WHEREAS, fuel prices could be reduced by increasing domestic production and encouraging the development of markets for products that can be used as the source material for renewable alternative fuels:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to actively address the issue of fuel prices and take immediate actions necessary to reduce our nation's dependency on foreign petroleum sources and boost our own economy by:

(1) Enacting reasonable price supports for domestically produced crude oil and in other ways encouraging exploration for domestic petroleum sources in a manner that does not adversely impact the environment;

(2) Encouraging and creating incentives for fuel conservation measures that do not harm the economy; and

(3) Encouraging and creating incentives for research, development and use of alternative fuel sources, including ethanol and other fuels made from renewable materials that would not only reduce our dependency on foreign petroleum, but also have the potential to improve environmental protection and boost local economies; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Missouri Congressional delegation.

RESOLUTIONS

Senator Steelman moved that **SR 280** be taken up for adoption, which motion prevailed.

On motion of Senator Steelman, **SR 280** was adopted.

THIRD READING OF SENATE BILLS

SB 97, introduced by Senator Bentley, entitled:

An Act to repeal sections 160.400, 160.405 and 160.415, RSMo 2000, relating to the department of elementary and secondary education, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Bentley, **SB 97** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons

Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Bland--1

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SB 50, introduced by Senator Childers, entitled:

An Act to repeal section 21.183, RSMo 2000, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Childers, **SB 50** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kinder	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Stoll	Westfall	Yeckel--23	

NAYS--Senators

Caskey	DePasco	Kenney	Klarich
Quick	Schneider	Singleton	Staples
Steelman	Wiggins--10		

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

SCS for **SB 317**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 317

An Act to repeal sections 700.015, 700.025, 700.045, 700.050, 700.090 and 700.100, RSMo 2000, relating to housing, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Stoll.

On motion of Senator Stoll, **SCS** for **SB 317** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Jacob	Quick	Scott
Staples--5			

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SS for **SB 14**, introduced by Senator Mathewson, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 14

An Act to repeal section 221.425, RSMo 2000, relating to authorizing a sales tax for regional jail districts and associated court facilities, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date.

Was taken up.

On motion of Senator Mathewson, **SS** for **SB 14** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--28

NAYS--Senators

Gross	Loudon	Singleton	Westfall--4
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Absent--Senator Bland--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SB 220**, introduced by Senator Kinder, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 220

An Act to repeal sections 28.600, 28.603, 28.606, 28.609, 28.612, 28.615, 28.618, 28.621, 28.624, 28.627, 28.630, 28.633, 28.636, 28.639, 28.642, 28.645, 28.648, 28.651, 28.654, 28.657, 28.660, 28.663, 28.666, 28.669, 28.672, 28.675 and 28.678, RSMo 2000, and section 28.681 as enacted by senate bill 680 during the second regular session of the eighty-ninth general assembly, relating to the uniform electronic transactions act, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was taken up.

Senator Rohrbach assumed the Chair.

On motion of Senator Kinder, **SS** for **SB 220** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland Westfall--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SS No. 2 for **SCS** for **SBs 39** and **269**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 39 and 269

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

On motion of Senator Klarich, **SS No. 2** for **SCS** for **SBs 39** and **269** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Rohrbach--1

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

SB 381, introduced by Senator Klarich, entitled:

An Act to amend chapter 431, RSMo, by adding thereto one new section relating to contracts.

Was taken up.

On motion of Senator Klarich, **SB 381** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	DePasco
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Steelman	Westfall	Wiggins	Yeckel--24

NAYS--Senators

Bentley	Childers	Dougherty	House
Quick	Schneider	Singleton	Staples--8

Absent--Senator Stoll--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 267**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 267

An Act to repeal sections 43.503, 56.085, 67.133, 210.140, 287.610, 303.025, 452.556, 455.040, 476.010, 478.610, 479.150, 482.330, 483.500, 487.020, 488.426, 488.445, 488.607, 488.5336, 490.130, 491.300, 494.410, 508.190, 534.070, 550.120, 565.030, 574.075, 575.200 and 610.105, RSMo 2000, section 303.041 as enacted by senate substitute for house substitute for house committee substitute for house bill no. 1797, ninetieth general assembly, second regular session and section 303.041 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof thirty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Klarich, **SS** for **SCS** for **SB 267** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators

Quick Singleton--2

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 285**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to Missouri centers of excellence in women's health.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 796**, entitled:

An Act to repeal section 196.100, RSMo 2000, relating to the labeling of drugs, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 473--Agriculture, Conservation, Parks and Tourism.

HCS for **HB 334**--Education.

HS for **HB 421**--Pensions and General Laws.

HB 664--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 501--Pensions and General Laws.

HB 865--Education.

HB 716--Public Health and Welfare.

HB 458--Transportation.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 509**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 457, regarding Gail A. Anderson, which was adopted.

Senator Steelman offered Senate Resolution No. 458, regarding the Eightieth Birthday of Mrs. Fanny Blankenship, Vienna, which was adopted.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

THIRD READING OF SENATE BILLS

SB 542, introduced by Senator Klindt, entitled:

An Act to repeal section 307.100, RSMo 2000, relating to the use of warning signals on motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 542** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Jacob	Staples--4
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 540, introduced by Senator Klindt, entitled:

An Act to repeal section 32.091, RSMo 2000, relating to motor vehicle records, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 540** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Jacob	Singleton
Staples--5			

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SRB 606, introduced by Senators Rohrbach and Gibbons, entitled:

An Act to repeal sections 72.424, 141.265, 142.027, 208.453, 208.455, 208.457, 208.459, 208.461, 208.463, 208.465, 208.467, 208.469, 208.471, 208.473, 208.475, 208.479, 208.480, 313.353, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 620.1310, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215 and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law, with an effective date.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SRB 606** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senators

Bland	Gibbons	Jacob	Klindt
Schneider	Staples--6		

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 617, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general

assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 617**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 617

An Act to repeal section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **SB 617** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 617** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Loudon	Mathewson	Schneider--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Bland moved that motion lay on the table, which motion prevailed.

SB 266, with **SCS**, introduced by Senator Bland, et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a state systemic lupus erythematosus program in the department of health.

Was called from the Consent Calendar and taken up.

SCS for **SB 266**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 266

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a state systemic lupus erythematosus program in the department of health.

Was taken up.

Senator Bland moved that **SCS** for **SB 266** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 266** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins--32

NAYS--Senators--None

Absent--Senator Yeckel--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Childers moved that **SB 323** and **SB 230**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 323** and **230** was again taken up.

Senator Childers moved that **SCS** for **SBs 323** and **230** be adopted.

Senator Childers offered **SS** for **SCS** for **SBs 323** and **230**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 323 and 230

An Act to repeal sections 67.1360 and 67.1775, RSMo 2000, relating to the collection of sales tax revenue by certain political subdivisions, and to enact in lieu thereof nineteen new sections relating to the same subject.

Senator Childers moved that **SS** for **SCS** for **SBs 323** and **230** be adopted.

Senator Russell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 323 and 230, Page 8, Section 67.1922, Line 27 of said page by inserting after the word "miles" the following: "or the governing body of any county which borders on or which contains part of a lake with not less than one hundred miles of shoreline".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 323 and 230, Page 1, Section A, Line 6 of said page, by inserting after all of said line the following:

"67.571. 1. The governing body of any county of the first classification with a population of more than eighty-two thousand inhabitants and less than ninety thousand inhabitants may, in addition to any tourism sales tax imposed pursuant to sections 67.671 to 67.685, by a majority vote, impose a sales tax for the funding of museums and festivals. For purposes of this section, the term "funding of museums and festivals" shall mean:

(1) Funding of museums operating in the county, which are registered with the United States Internal Revenue Services as a 501(C)(3) corporation and which are considered by the board to be tourism attractions; and

(2) Funding of organizations that are registered as 501(C)(3) corporations which promote cultural heritage tourism including festivals and the arts.

2. Any question submitted to the voters of such county to establish a sales tax pursuant to this section, shall be submitted in substantially the following form:

"Shall the county of (insert the name of the county) impose a sales tax of (insert rate of percent) percent to be used to fund (museums, cultural heritage, festivals) in certain areas of the county?

Yes No"

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, and the tax takes effect pursuant to this section, the museums and festivals board appointed pursuant to subsection 5 of this section shall determine in what manner the tax revenue moneys will be expended, and disbursements of these moneys shall be made strictly in accordance with directions of the board which are consistent with the provisions of sections 67.571 to 67.577. Expenditures of these tax moneys may be made for the employment of personnel selected by the board to assist in carrying out the duties of the board, and the board is expressly authorized to employ such personnel. Expenditures of these tax moneys may be made directly to corporations pursuant to subsection 1 of this section. No such tax revenue moneys shall be disbursed to or on behalf of any corporation, organization or entity that is not duly registered with the Internal Revenue Service as a 501(C)(3) organization.

4. Any sales tax imposed pursuant to this section shall be imposed at a rate not to exceed two tenths of one percent on receipts from the sale of certain tangible personal property or taxable services within the county pursuant to sections 67.571 to 67.577.

5. The governing body of any county which imposes a sales tax pursuant to this section may establish a museums and festivals board for the purpose of expending funds collected from any sales tax submitted and approved by the county's voters pursuant to this section. The board shall be comprised of five members who are appointed by the governing body of the county. Members shall serve for three-year terms, but of the members first appointed, one shall be appointed for a term of one year, two shall be appointed for a term of two years, and two shall be appointed for a term of three years. Each member shall be a resident of the county from which he or she is appointed. The members of the board shall not receive compensation for service on the board, but shall be reimbursed from the tax revenue money for any reasonable and necessary expenses incurred in service on the board.

6. In the area of each county in which a sales tax has been imposed in the manner provided by sections 67.571 to 67.577, every retailer within such area shall add the tax imposed by the provisions of sections 67.571 to 67.577 to his sale price, and this tax shall be a debt of the purchaser to the retailer until paid, and shall be recoverable at law in the same manner as the purchase price.

7. In counties imposing a tax under the provisions of sections 67.571 to 67.577, in order to permit sellers required to collect and report the sales tax to collect the amount required to be reported and remitted, but not to change the requirements of reporting or remitting the tax, or to serve as a levy of the tax, and in order to avoid fractions of pennies, the governing body may authorize the use of a bracket system similar to that authorized by the provisions of section 144.285, RSMo, and notwithstanding the provisions of that section, this new bracket system shall be used where this tax is imposed and shall apply to all taxable transactions.

67.572. The governing body of any county which has adopted a sales tax pursuant to sections 67.571 to 67.577 may submit the question of repeal of the tax to the voters at any primary or general election. The ballot of submission shall be in substantially the following form:

Shall the county of (insert name of county) repeal the museum and festivals sales tax of (insert rate of percent) percent in effect in certain areas of the county?

Yes No

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved.

67.573. The order imposing the sales tax pursuant to the provisions of sections 67.571 to 67.577 shall impose upon all sellers within the area wherein the tax is to be paid an additional tax on all goods subject to tax included in chapter 144, RSMo. The amount reported and returned by the seller shall be computed on the basis of the tax imposed by the order as authorized by sections 67.571 to 67.577. The seller shall report and return the amount so computed to the director of revenue.

67.574. On or after the effective date of any tax imposed throughout a county pursuant to the provisions of sections 67.571 to 67.577, the director of revenue shall be responsible for the administration, collection, enforcement, and operation of the tax, and all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax so imposed, the provisions of sections 67.671 to 67.685 to the contrary notwithstanding. An amount not to exceed one percent shall be retained by the director of revenue for deposit in the general revenue fund to offset the costs of collection.

67.576. 1. The following provisions shall govern the collection of the tax imposed by the provisions of sections 67.571 to 67.577:

(1) All applicable provisions contained in sections 144.010 to 144.510, RSMo, governing the state sales tax and section 32.057, RSMo, the uniform confidentiality provision, shall apply to the collection of the tax imposed by the provisions of sections 67.571 to 67.577;

(2) All exemptions granted to agencies of government, organizations, and persons under the provisions of

sections 144.010 to 144.510, RSMo, are hereby made applicable to the imposition and collection of the tax imposed by sections 67.571 to 67.577.

2. The same sales tax permit, exemption certificate and retail certificate required by sections 144.010 to 144.510, RSMo, for the administration and collection of the state sales tax shall satisfy the requirements of sections 67.571 to 67.577, and no additional permit or exemption certificate or retail certificate shall be required; except that, the director of revenue may prescribe a form of exemption certificate for an exemption from the tax imposed by sections 67.571 to 67.577.

3. All discounts allowed the retailer pursuant to the provisions of the state sales tax law for the collection of and for payment of taxes pursuant to that act are hereby allowed and made applicable to any taxes collected pursuant to the provisions of sections 67.571 to 67.577.

4. The penalties provided in section 32.057, RSMo, and sections 144.010 to 144.510, RSMo, for a violation of those acts are hereby made applicable to violations of the provisions of sections 67.571 to 67.577.

5. For the purposes of the sales tax imposed by an order pursuant to sections 67.571 to 67.577, all retail sales shall be deemed to be consummated at the place of business of the retailer.

67.577. In any county or area of a county where a sales tax has been imposed pursuant to sections 67.571 to 67.577, if any person is delinquent in the payment of the amount required to be paid by him pursuant to the provisions of sections 67.571 to 67.577 or in the event a determination has been made against him for taxes and penalty pursuant to the provisions of sections 67.571 to 67.577, the limitation for bringing suit for the collection of the delinquent tax and penalty shall be the same as that provided in sections 144.010 to 144.510, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Childers moved that SS for SCS for SBs 323 and 230, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, SS for SCS for SBs 323 and 230, as amended, was declared perfected and ordered printed.

Senator Caskey moved that SB 347 and SB 487, with SCS, be taken up for perfection, which motion prevailed.

SCS for SBs 347 and 487, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 347 and 487

An Act to repeal section 137.100, RSMo 2000, relating to assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Caskey moved that SCS for SBs 347 and 487 be adopted.

At the request of Senator Caskey, SB 347 and SB 487, with SCS (pending), were placed on the Informal Calendar.

Senator Gibbons assumed the Chair.

Senator Mathewson moved that SB 385 be taken up for perfection, which motion prevailed.

President Maxwell assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 385, Page 30, Section 326.325.3, Line 32, by inserting at the end of said line the following:

"4. The provisions of this chapter to the contrary notwithstanding, documents otherwise subject to lawful discovery in a court proceeding pursuant to the Missouri Rules of Civil Procedure prior to August 28, 2001, shall remain so."

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 385**, as amended, was declared perfected and ordered printed.

Senator DePasco moved that **SB 331**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 331**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 331

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator DePasco moved that **SCS** for **SB 331** be adopted.

Senator DePasco offered **SS** for **SCS** for **SB 331**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 331

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for a certain section.

Senator DePasco moved that **SS** for **SCS** for **SB 331** be adopted.

At the request of Senator DePasco, **SB 331**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Stoll moved that **SB 239**, with **SCS**, **SA 6**, **SSA 1** for **SA 6** and **SA 1** to **SSA 1** for **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SSA 1** for **SA 6** was again taken up.

At the request of Senator Kinder, **SSA 1** for **SA 6** was withdrawn, rendering **SA 1** to **SSA 1** for **SA 6** moot.

SA 6 was again taken up.

At the request of Senator Kinder, **SA 6** was withdrawn.

Senator Steelman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, In the Title, Line 2, by inserting after "relating to" the following: "instruction and"; and

Further amend said bill, page 3, section 167.645, line 88, by inserting after all of said line the following:

"170.014. 1. This section shall be known as the "Reading Instruction Act" and is enacted to ensure that all public schools provide developmentally appropriate phonics instruction in grades kindergarten through three as a significant component of a program of balanced reading instruction and that all teachers who teach reading in grades kindergarten through three receive adequate training in the teaching of developmentally appropriate phonics.

2. As used in this section, the following terms mean:

(1) "Developmentally appropriate", instruction and interaction within the age and developmental level of the learner, as ascertained by the best current research;

(2) "Grammar", the rules and conventions of standard English, including the construction of sentences, the classification, derivation and properties of words, and spelling;

(3) "Phonics instruction", the teaching of sound-symbol correspondence and the rules and generalizations that govern these correspondences, including phonemics, which is the recognition of the boundaries of phonetic elements.

3. Developmentally appropriate phonics instruction shall be provided in every public school in the state in grades kindergarten through three as a significant component of a program of balanced reading instruction. Each school district shall make an effort to systematically inform parents of the methods and materials used to teach reading in grades kindergarten through three. Nothing in this act shall be construed to require that every child be taught phonics; however, developmentally appropriate phonics instruction shall be available in every elementary school building."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, In the Title, Line 2, by striking "promotion of" and inserting in lieu thereof the following: "public school teachers and"; and

Further amend said bill, page 3, Section 167.645, line 88, by inserting immediately after said line the following:

"169.596. 1. Any school district with a shortage of certified teachers, as determined by the school district, may allow retired certificated teachers from any Missouri public teacher retirement system to teach full-time for up to two years without losing his or her retirement benefits. The total number of such retired certificated teachers shall not exceed, at any one time, the greater of ten percent of the total teacher staff for that school district, or five certificated teachers.

2. Any retired certificated teacher hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.

3. Any school district with a shortage of non-certificated employees, as determined by the school district, may allow individuals retired pursuant to sections 169.600 to 169.715 to be employed full-time for up to two years without losing his or her retirement benefits. The total number of such retired non-certificated employees shall not exceed, at any one time, the greater of ten percent of the total non-certificated staff for that school district, or five employees.

4. No person shall be employed pursuant to this section until the affected retirement systems have implemented rules and regulations assuring that the provisions are cost-neutral and the systems remain actuarially sound.

5. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations."; and

Further amend said bill, page 3, Section B, line 2, by striking ", section 167.645 of this act is" and inserting in lieu thereof the following: "and to resolve the shortage of school employees in this state, sections 167.645 and 169.596 of this act are"; and

Further amend said bill and section, page 4, line 5, by striking "section 167.645" and inserting in lieu thereof the following: "sections 167.645 and 169.596"; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Stoll raised the point of order that **SA 8** is out of order as it goes beyond the scope, purpose and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Gross offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 239, Page 1, Section 167.645, Line 1, by striking the opening bracket "[" ; and further amend line 5, by striking the closing bracket "]""; and

Further amend said bill and section, pages 1-3, lines 5-88, by striking all of the bold-faced language from said lines.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 9** was withdrawn.

Senator Gross offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 65, by striking the following: "The permanent"; and further amend lines 66-70, by striking all of said lines and inserting in lieu thereof the following: "**Any student not reading at the fifth grade level will not be promoted to seventh grade.**".

Senator Gross moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Foster, Gibbons and Schneider.

SA 10 failed of adoption by the following vote:

YEAS--Senators

Childers

Foster

Gibbons

Gross

Kinder	Loudon	Rohrbach	Singleton
Yeckel--9			
	NAYS--Senators		
Bentley	Bland	Caskey	Cauthorn
Dougherty	Goode	House	Jacob
Johnson	Kenney	Klarich	Klindt
Mathewson	Quick	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins--23	
	Absent--Senator DePasco--1		
	Absent with leave--Senator Carter--1		

Senator Gross offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 239, Page 3, Section 167.645, Line 65, by striking the following: "The permanent"; and further amend lines 66-70, by striking all of said lines and inserting in lieu thereof the following: "**Any student not reading at the fourth grade level will not be promoted to seventh grade.**".

Senator Gross moved that the above amendment be adopted.

At the request of Senator Stoll, **SB 239**, with **SCS** and **SA 11** (pending), was placed on the Informal Calendar.

Senator Johnson moved that **SB 184**, with **SS No. 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS No. 2 for **SB 184** was again taken up.

Senator Sims moved that **SS No. 2** for **SB 184** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 9, Section 205.971, Line 25 by inserting after the words: "Funding for" the words: "the operating budgets of".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 5, Section 205.970, Line 18 by adding after the word "**terms.**" the following:

"Subsequent to the effective date of this section, in addition to the above requirements, at least three of the board members shall be associated with a sheltered workshop."

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 1, In the Title, Lines 3 and 4 of the title, by striking "sheltered workshops" and inserting in lieu thereof the following: "disabilities"; and

Further amend said bill, Page 11, Section 205.973, Line 3 of said page, by inserting after all of said line the following:

"537.617. 1. The state of Missouri hereby grants limited consent to be sued under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., in the state courts for the state of Missouri. The state of Missouri does not consent to be sued under the Americans with Disabilities Act in federal courts.

2. The consent hereby granted is for a maximum monetary award in the amounts described in section 537.610, RSMo. No state court shall enter a judgment for an amount in excess of the monetary limits in said section. The monetary limits set forth in said section shall apply regardless of whether the state has insurance for defense of the claim. The amount shall include attorneys' fees, but shall not include punitive or exemplary damages.

3. This section shall apply to all actions pending or initiated on or after February 21, 2001."; and

Further amend said bill, Page 11, Section B, Line 18 of said page, by striking the word "section" and inserting in lieu thereof the following: "sections 537.617 and"; and further amend line 23 of said page, by striking the word "section" and inserting in lieu thereof the following: "sections 537.617 and"; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 9, Section 205.971, Line 26 by inserting after the words: "prior year" the words: "for a city not within a county and any counties of the first class with a population in excess of 200,000".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 10, Section 205.971, Line 2 of said page, by inserting at the end of said line the following: **"For all other counties, funding for sheltered workshops shall be at a minimum of either the funding base level percentage or thirty percent of the audited county tax receipts for the prior year, whichever is greater. A county board may provide additional funding to sheltered workshops. The operating board of the sheltered workshop may, at its discretion, contractually decrease the minimum level of funding for a given year."**

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 5, Section 205.970, Line 19 of said page, by inserting after the word and period "reappointed." the following: **"No member of the board of directors may serve more than**

a total of two terms consecutively."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 11, Section 1, Line 4 of said page, by deleting all new language from said line through line 13.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Bill No. 184, Page 10, Section 205.972, Lines 17-18 of said page, by striking said lines and inserting in lieu thereof the following:

"2. An additional question shall be submitted regarding the funding of other services in substantially the following form:"

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Johnson, **SB 184**, with **SS No. 2**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 816**, entitled:

An Act to repeal sections 136.035 and 144.190, RSMo 2000, relating to authenticating claims for tax refunds, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 52**, entitled:

An Act to repeal section 56.066, RSMo 2000, relating to full-time prosecutors, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 704**, entitled:

An Act to repeal section 429.015, RSMo 2000, relating to liens on real property by political subdivisions for abatement of dangerous buildings and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 951**, entitled

An Act to authorize the conveyance of certain property in Cole County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 596**, entitled:

An Act to repeal section 100.331, RSMo 2000, relating to certain governmental authorities in cities not within a county, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 745**, entitled:

An Act to repeal section 58.490, RSMo 2000, relating to unclaimed property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 945**, entitled:

An Act to repeal section 494.455, RSMo 2000, relating to juror pay, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 909**, entitled:

An Act to authorize the exchange of property interest owned by the department of natural resources and the City of Lexington.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lonnie M. Boyd, 185 Petunia, Clever, Christian County, Missouri 65631, as a member of the Organ Donation Advisory Committee, for a term ending December 12, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James W. Casey, 949 Schumate Chapel Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2002, and until his successor is duly appointed and qualified; vice, Linda Bohrer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lori R. Darr, 4014 Sonora Court, Columbia, Boone County, Missouri 65201-9024, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Billie Sue Graves, 10384 Highway J, Perryville, Perry County, Missouri 63775, as a member of the Missouri Head Injury Advisory Council, for a term ending July 1, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan K. Orton, 12579 Mason Forest Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynne P. Unnerstall, 701 West Main Street, Washington, Franklin County, Missouri 63090, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2003, and until her successor is duly appointed and qualified; vice, Shera Kafka, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 2, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald W. Vessell, 1705 Delta Place, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Pamela J. Schneeflock, 601 West Main, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Jana Runyon Finch, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kala Stroup, Ph.D., 2024 Stadium Boulevard, Jefferson City, Cole County, Missouri 65109, as a member of the Midwestern Higher Education Commission, for a term ending December 29, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jennifer Tidwell, Democrat, 3831 Harrison, Kansas City, Jackson County, Missouri 64109, as a member of the State Tax Commission, for a term ending January 23, 2002, and until her successor is duly appointed and qualified; vice, Douglas Burnett, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 60**; **SS** for **SB 193**; and **SCS** for **SBs 69** and **458**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 60** and **SCS** for **SBs 69** and **458** to the Committee on State Budget Control.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 459, regarding Amy McMinn, Ellisville, which was adopted.

Senator Sims offered Senate Resolution No. 460, regarding Katherine Martin, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 461, regarding Marie E. Major, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 462, regarding Nellie Sherman, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 463, regarding Kate Schafroth, Manchester, which was adopted.

Senator Sims offered Senate Resolution No. 464, regarding Kristen Ruhland, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 465, regarding Jessica Rosen, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 466, regarding Erin E. Roberts, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 467, regarding Amanda Marie Meehan, Shrewsbury, which was adopted.

Senator Sims offered Senate Resolution No. 468, regarding Lori Mertes, Shrewsbury, which was adopted.

Senator Sims offered Senate Resolution No. 469, regarding Jessica Miller, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 470, regarding Tiffany Morris, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 471, regarding Michelle M. Mortellaro, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 472, regarding Laura Michelle Mundle, Des Peres, which was adopted.

Senator Sims offered Senate Resolution No. 473, regarding Katie Nehls, Arcadia, which was adopted.

Senator Sims offered Senate Resolution No. 474, regarding Richelle Daneil Orrick, Arcadia, which was adopted.

Senator Sims offered Senate Resolution No. 475, regarding Crystal Pierce, Imperial, which was adopted.

Senator Sims offered Senate Resolution No. 476, regarding Sarah Elizabeth Poston, Bonne Terre, which was adopted.

Senator Sims offered Senate Resolution No. 477, regarding Nina Pozzo, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 478, regarding Jessica Rahm, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 479, regarding Sarah Smith, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 480, regarding Emily Stevenson, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 481, regarding Sarah Uthe, Town and Country, which was adopted.

Senator Sims offered Senate Resolution No. 482, regarding Lauren Vickers, St. Peters, which was adopted.

Senator Sims offered Senate Resolution No. 483, regarding Cynthia Lynn Walker, Washington, which was adopted.

Senator Sims offered Senate Resolution No. 484, regarding Kendra Kae Reed, Barnhart, which was adopted.

Senator Sims offered Senate Resolution No. 485, regarding Sarah Leigh Tharp Reed, Barnhart, which was adopted.

Senator Sims offered Senate Resolution No. 486, regarding Kathleen Suzanne Young, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 487, regarding Renee C. Pope, Barnhart, which was adopted.

Senator Sims offered Senate Resolution No. 488, regarding Nicole E. Messenger, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 489, regarding Sarah Ann Crews, Barnhart, which was adopted.

Senator Kenney offered Senate Resolution No. 490, regarding Gordon Donald Stillie, D.O., Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 491, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Lamb, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 492, regarding the One Hundredth Birthday of Bernice Johnson, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 493, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Orin

Couch, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 494, regarding Steven Andrew "Steve" Yanda, Lee's Summit, which was adopted.

Senator Klarich offered the following resolution:

SENATE RESOLUTION NO. 495

WHEREAS, providing public education is the primary duty of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the General Assembly has a core responsibility in securing this constitutional guarantee by the passage of laws and appropriations; and

WHEREAS, the Kansas City School District emerged from federal court ordered desegregation in 1999; and

WHEREAS, since emerging from court ordered desegregation, the Kansas City School District comprises approximately 35,600 students; and

WHEREAS, the Kansas City School District has a graduation rate of approximately 59 percent; and

WHEREAS, the Kansas City School District has only approximately 22 percent of its students entering two or four year colleges and universities; and

WHEREAS, the Kansas City School District has only approximately 11 percent of its students scoring at or above the national average on the ACT; and

WHEREAS, the Kansas City School District lost district accreditation in May 2000, only meeting three of the eleven Missouri School Improvement Program performance indicators required to achieve state accreditation; and

WHEREAS, the Kansas City School District has experienced continuing governance issues including a high rate of superintendent turnover, and dissention between and among those responsible for governance of the district; and

WHEREAS, the Kansas City School District has been the subject of various proposals in the General Assembly dealing with governance and state involvement;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, that a committee on the Kansas City School District be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that said committee study issues concerning the delivery of education to the students in the Kansas City School District, all issues relating to the governance of the district and the relationship between governance and the failure to deliver public education in the Kansas City School District, and any other education-related issues related to the district the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, as soon as practical, together with its recommendations for any legislative action it deems necessary for submission to the Senate; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State Tax Commission, the Kansas City School District, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Senate Contingent Fund.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Steve Hobbs and Hank Henning, Mexico.

Senator Caskey introduced to the Senate, Jennifer Lommler, Warrensburg.

Senator Dougherty introduced to the Senate, Doug Farquar, Denver, Colorado.

Senator Childers introduced to the Senate, Robin Montz, Neosho; and Sandy Fitzpatrick, Karen Rosewicz, Becky Simpson and Patti Daniels, Cassville.

Senator Jacob introduced to the Senate, Janet Peart, Frank Berry, Carl Brown, Paul Vossler, Jackie Berry and members of the eighth grade Eagle Team from Moberly Middle School, Moberly; and Taressa Cade, Alyssa Kincaid, Owen Reid and Carl Knox were made honorary pages.

Senator Stoll introduced to the Senate, fourth grade students from George Guffy Elementary School, Fenton.

Senator Westfall introduced to the Senate, Millie Webb, Tennessee.

Senator Westfall introduced to the Senate, representatives of Missouri Highway Safety Team Spirit.

Senator Russell introduced to the Senate, Ron Fitzwater, Bolivar; and John Delly, Elkland.

Senator Caskey introduced to the Senate, Martha Hester and ten sixth grade students from Training Center Christian School, Garden City.

Senator House introduced to the Senate, Laura, Dennis, Elisabeth and Dennis Boenker, Jr., Homeschoolers from St. Charles.

Senator Jacob introduced to the Senate, Jerry Martie, Brenda Ensor and members of the eighth grade Eagle Team from Moberly Middle School, Moberly; and Melle Robinson, Clayton Williams, Tabitha Burge and Daniel Vargas were made honorary pages.

Senator Foster introduced to the Senate, Janice and Dempsey Craft and eight students from New Madrid County Central High School, New Madrid; and Samantha Jolly, Erin Baldwin, Leslie Russell, Tara Williams, David Spencer, Jamie Russell, Hunter Hendricks and Joseph Baldwin were made honorary pages.

Senator Childers introduced to the Senate, Terry Winton, Gracie Grimes, Mr. Sees, Mrs. Thomas, Mrs. Bouneus, Mrs. Stringer, Ricky Brown, Chris Mattingly, Tim Payne, Eric LaGrange, Brian Darity, Ryan Boyle and twenty-five eighth grade students from Exeter R-VI School, Exeter.

Senator Cauthorn introduced to the Senate, Russell Martin and Mitch Keel, Lewistown.

Senator Klindt introduced to the Senate, Giles and Judy Walters, Bethany.

Senator Rohrbach introduced to the Senate, Roger Mertens, Jefferson City; and Erving Toellner, Bunceton.

Senator Johnson introduced to the Senate, Mike Frazier, Gower.

Senator Mathewson introduced to the Senate, Dan Loucks, Paul Bennett, Amy Ezell, Natalie Bailey and Scott Pummill, Sedalia; and Amy, Natalie and Scott were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, his mother, Jan Klarich, St. Louis County.

Senator Caskey introduced to the Senate, Sam Yancey and representatives from Warrensburg of State Youth Government Day; and Erin Underwood, Jackie Nott and Patrick Woods were made honorary pages.

Senator Klindt introduced to the Senate, Terry Coult, Steven Helmer, Abby Murrell and Ken Stull, Chillicothe.

Senator Klindt introduced to the Senate, Daisy Workman, Pickering; Josh Blackford, Hopkins; Jordan Young, Burlington; Kathy King, Arlene Masters, Jessica Baker and Matthew Jasinski, Maryville; Emily Giffin, Guilford; Randi Burch, Parnell; and Valorie Strueby, Conception Junction, representatives of State Youth Government Day.

Senator Johnson introduced to the Senate, Oneida Gillispie and representatives of State Youth and Government Day; and Kim Kerr, Amanda Balabon and Angela Hoffman were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTIETH DAY-WEDNESDAY, APRIL 4, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 328 &

88-Harlan

HB 249-Treadway

HB 321-Skaggs, et al

HB 453-Ransdall, et al

HB 537-Ostmann, et al

HB 314-Treadway and

Nordwald

HS for HCS for HB 327-

Rizzo

HB 285-Riback Wilson,

et al

HB 796-Hosmer

HB 816-Kennedy and

Gambaro

HB 52-Ward and Crump

HB 704-Gambaro

HB 951-Gratz

HB 596-Kennedy and

Gambaro

HB 745-Farnen

HB 945-Hosmer

HB 909-Davis

THIRD READING OF SENATE BILLS

SS for SCS for SB 48-Sims

SS for SB 339-Stoll

SCS for SB 374-Steelman

SB 400-Kenney, et al

SS for SJR 9-Goode

SB 392-Kenney and

DePasco

SCS for SB 60-Steelman

(In Budget Control)

SS for SB 193-Rohrbach

SCS for SBs 69 & 458-

Gross

(In Budget Control) SENATE BILLS FOR PERFECTION

1. SBs 5 & 21-Wiggins,
et al, with SCS
2. SB 373-Gibbons and
Yeckel, with SCS
3. SBs 433 & 248-Kinder
and Gross, with SCS
4. SB 462-Westfall
5. SB 428-Loudon
6. SB 27-Johnson and
Westfall, with SCS
7. SB 99-Sims, with SCS
8. SBs 247 & 330- Westfall
and Staples, with SCS
9. SB 351-Singleton and
Scott, with SCS
10. SJRs 1 & 4-Schneider,
with SCS
11. SBs 510, 512 & 133-
Kenney, with SCS
12. SJR 11-Yeckel
13. SBs 551, 410, 539, 528
& 296-Sims, with SCS
14. SBs 476, 427 & 62-
Yeckel, et al, with SCS
15. SB 369-Steelman and
Stoll, with SCS
16. SB 505-Loudon, with
SCS
17. SB 578-Goode and

Russell, with SCS

18. SBs 448 & 588-Sims,
et al, with SCS

19. SB 535-Rohrbach, with
SCS

20. SB 66-Gibbons, with
SCS#2

21. SB 525-Cauthorn, with
SCS

22. SB 242-Kenney

23. SB 225-Mathewson,
with SCS

24. SB 180-Klarich

25. SB 583-Yeckel

26. SB 488-Klindt, et al,
with SCS

27. SB 387-Goode, et al,
with SCS

28. SB 455-Kinder, et al,
with SCS

29. SBs 334 & 228-Kinder,
with SCS

30. SB 469-Gross, et al

31. SB 546-Kenney, et al,
with SCS

32. SB 337-House and
Kinder

33. SB 593-Klindt, with

SCS

34. SB 509-Cauthorn and

Klindt

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SBs 89 & 37-Kinder, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SBs 214, 124, 209 & 322-

Gross, et al, with SCS

(pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with
SCS

SBs 238 & 250-Staples, et
al, with SCS (pending)

SB 239-Stoll, with SCS &
SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with
SCS (pending)

SB 331-DePasco, et al,
with SCS & SS for SCS
(pending)

SBs 347 & 487-Caskey,
with SCS (pending)

SB 372-Gibbons, with SCS

SB 375-Steelman, with SCS,
SS for SCS, SA 1 &
SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

SB 438-Bentley and Stoll,
with SS & SA 3 (pending)

SB 445-Singleton, with
SCS & SS for SCS
(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with

SCS

Reported 3/14

SB 500-Mathewson

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS
(Russell)

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

To be Referred

SCR 28-DePasco

SR 495-Klarich

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelmann, et al

SCR 23-DePasco

HCR 16-Green and Holt

(House)

SCR 27-Goode and Russell

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY--WEDNESDAY, APRIL 4, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I will sing aloud of your steadfast love in the morning. For you have been a fortress for me and a refuge in the day of my distress." (Psalm 59:16)

Blessed Father, You have started this morning with a thought and song for our hearts. We are Your children and live in the protection of Your care and favor. You are a rock upon which we can cling when stress gets too great and worries and concerns multiply. Calm our hearts and bodies and give us Your peace that passes all human understanding. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

President Pro Tem Kinder assumed the Chair.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 496, regarding Dorothy B. Hunt, Cuba, which was adopted.

Senator Quick offered Senate Resolution No. 497, regarding the Eighty-Second Birthday of Rosalyn Ann Viessman,

Columbia, which was adopted.

Senator Gibbons offered Senate Resolution No. 498, regarding Kyler Jacob Brown, Webster Groves, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **SCR 23** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **SCR 23** was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--28
NAYS--Senator Kinder--1			
Absent--Senators			
Bentley	Jacob	Schneider	Westfall--4
Absent with leave--Senator Carter--1			

Senator Goode moved that **SCR 27** be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **SCR 27** was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Jacob	Rohrbach--3	
Absent with leave--Senator Carter--1			

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 48**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 48

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930 and 210.936, RSMo 2000, relating to dependent care, and to enact in lieu thereof nine new sections relating to the same subject, with

penalty provisions.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SB 48** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Jacob	Rohrbach--2		
Absent with leave--Senators Carter--1			

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

SS for **SB 339**, introduced by Senator Stoll, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 339

An Act to repeal sections 34.140 and 313.835, RSMo 2000, relating to veterans, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Stoll, **SS** for **SB 339** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Jacob	Rohrbach	Scott	Singleton--4
Absent with leave--Senator Carter--1			

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None			
Absent--Senators			
Bentley	Rohrbach	Scott	Singleton--4
Absent with leave--Senator Carter--1			

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

SCS for **SB 374**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 374

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to emissions banking and trading.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS** for **SB 374** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President Pro Tem declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 400, introduced by Senator Kenney, et al, entitled:

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

On motion of Senator Kenney, **SB 400** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Rohrbach--1			
Absent--Senator Klarich--1			
Absent with leave--Senator Carter--1			

The President Pro Tem declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SS for **SJR 9**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 9

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

Was taken up.

On motion of Senator Goode, **SS** for **SJR 9** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman

Stoll

Westfall

Wiggins

Yeckel--32

NAYS--Senators--None

Absent--Senator Loudon--1

Absent with leave--Senator Carter--1

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 392, introduced by Senators Kenney and DePasco, entitled:

An Act to repeal section 135.230, RSMo 2000, relating to tax credits for new business facilities within enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Kenney.

On motion of Senator Kenney, **SB 392** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President Pro Tem declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SS for **SB 193**, introduced by Senator Rohrbach, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 193

An Act to repeal sections 148.400, 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.022, 375.025, 375.027, 375.031, 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.061, 375.065, 375.071, 375.076, 375.081, 375.082, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.121, 375.136, 375.141, 375.142, 375.158, 379.356 and 384.043, RSMo 2000, and to enact in lieu thereof twenty-nine new sections relating to

insurance producers, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Rohrbach, **SS** for **SB 193** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 5** and **SB 21**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 5** and **21**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 5 and 21

An Act to repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 2000, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **SBs 5** and **21** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SBs 5** and **21** was declared perfected and ordered printed.

Senator Singleton assumed the Chair.

Senator Gibbons moved that **SB 372**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 372**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 372

An Act to amend chapter 32, RSMo 2000, by adding thereto two new sections relating to assessment and collection procedures of the department of revenue.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 372** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SB 372**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 372

An Act to amend chapter 32, RSMo 2000, by adding thereto two new sections relating to assessment and collection procedures of the department of revenue.

Senator Gibbons moved that **SS** for **SCS** for **SB 372** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 372, by adding at the end of said bill one new section:

"Section 1. In the event the Department of Revenue enters into an agreement with a taxpayer and said agreement exceeds the department's statutory authority and the taxpayer has relied to his detriment, the department shall be permitted to honor said contract. This section shall only apply to cases where the Department has collected sales tax that was not owed by the taxpayer."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 372, Page 6, Section 32.378, Line 8, by inserting after "liability." on said line: "If the director chooses this option, the taxpayer shall have the right to contest in court or otherwise the amount of the liability compromised."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 372, Page 7, Section 32.378, Line 4, by inserting after all of said line the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the

computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section [142.584] **142.824**, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

- (8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;
- (9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;
- (10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;
- (11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;
- (12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, "processing" means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;
- (13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;
- (14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;
- (15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;
- (16) Tangible personal property purchased by a rural water district;
- (17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;
- (18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory [aides] **aids**, all sales of manual and powered wheelchairs, stairway lifts, Braille writers, electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading

machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and lubricants used exclusively for such farm machinery and equipment and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the

seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and

development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

(38) All donations of inventory, which have been held by a retailer as inventory, to any private not-for-profit elementary or secondary school or any publicly funded elementary or secondary school, and shall include an approved private institution or approved public institution, as defined in section 173.205, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill and is therefore not germane.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Gibbons moved that **SS** for **SCS** for **SB 372**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 372**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Kinder referred **SCR 28** and **SR 495** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 323** and **230**; and **SB 385**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senators Gross and House offered Senate Resolution No. 499, regarding Carol Diane Luetkemeyer, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 500, regarding Jessica Ann Snell, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 501, regarding Channing C. Peek, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 502, regarding Janet M. Mohn, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 503, regarding Karen Homberger, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 504, regarding Jae Dee Perkins, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 505, regarding Annette Jackson, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 506, regarding Donald L. Grothen, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 507, regarding Stephanie L. Grothen, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 508, regarding Rita Goforth, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 509, regarding Richard Nacke, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 510, regarding Charlene Clark, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 511, regarding Detective Michael Miller, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 512, regarding Charles C. Dalton, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 513, regarding Julie Gaier, St. Louis, which was adopted.

Senators Gross and House offered Senate Resolution No. 514, regarding Target Stores, which was adopted.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 214, SB 124, SB 209** and **SB 322**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Gross offered **SS** for **SCS** for **SBs 214, 124, 209** and **322**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 214, 124, 209 and 322

An Act to repeal sections 556.036, 566.093, 573.037, 589.400 and 589.417, RSMo 2000, relating to sex offenders, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Senator Gross moved that **SS** for **SCS** for **SBs 214, 124, 209** and **322** be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **SBs 214, 124, 209** and **322** was declared perfected and ordered printed.

At the request of Senator Gibbons, **SB 373**, with **SCS**, was placed on the Informal Calendar.

SB 433 and **SB 248**, with **SCS**, were placed on the Informal Calendar.

Senator Singleton assumed the Chair.

Senator Kinder moved that **SB 433** and **SB 248**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 433** and **248**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 433 and 248

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 433** and **248** be adopted.

Senator Gross offered **SS** for **SCS** for **SBs 433** and **248**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 433 and 248

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

Senator Gross moved that **SS** for **SCS** for **SBs 433** and **248** be adopted.

President Pro Tem Kinder assumed the Chair.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Page 2, Section 537.053, Line 17, by deleting said line and replacing in lieu thereof, the following: "proven by clear and convincing evidence.".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** was withdrawn.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Page 2, Section 537.053.3, Lines 4-17, by deleting all of said lines, and by inserting in lieu thereof the following:

"3. Notwithstanding subsections 1 and 2 of this section, a cause of action may be brought by or on behalf of any person who has suffered personal injury or death against any person licensed to sell intoxicating liquor by the drink for consumption on the premises who sells, serves, or furnishes such intoxicating liquor to a person under the age of twenty-one or to an obviously intoxicated person, if the sale, service or furnishing of such intoxicating liquor is the proximate cause of the personal injury or death sustained by such person."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Gross, **SB 433** and **SB 248**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Klarich assumed the Chair.

THIRD READING OF SENATE BILLS

Senator Mathewson moved that **SB 500** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Mathewson, **SB 500** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach--1
Absent--Senator Staples--1
Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 433** and **SB 248**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Gibbons assumed the Chair.

Senator Schneider offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Line 3, by striking the words:

"3. Notwithstanding subsections 1 and 2 of this section" and by adding to line 8: "if supported by substantial evidence"; and amend SB 433 and 248, Page 1, Section 537.053, Lines 1 to 13, by striking said lines.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Schneider, **SA 1** to **SA 2** was withdrawn.

SA 2 was again taken up.

Senator Schneider offered **SA 2** to **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Line 8, by inserting after the word: "person" the words: "and such finding is supported by substantial evidence".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Kenney and Wiggins.

SA 2 to **SA 2** failed of adoption by the following vote:

YEAS--Senators

Bland	Caskey	Dougherty	Gibbons
House	Jacob	Klarich	Quick

Russell	Schneider	Sims	Singleton
Steelman	Westfall--14		
	NAYS--Senators		
Bentley	Cauthorn	Childers	DePasco
Foster	Goode	Gross	Johnson
Kenney	Kinder	Klindt	Loudon
Mathewson	Rohrbach	Scott	Stoll
Wiggins	Yeckel--18		
	Absent--Senator Staples--1		
	Absent with leave--Senator Carter--1		

At the request of Senator Kinder, **SB 433** and **SB 248**, with **SCS, SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Westfall moved that **SB 462** be taken up for perfection, which motion prevailed.

Senator Gross assumed the Chair.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 462, Page 1, Section 274.060, Line 9, by striking the opening bracket "["; and further amend said line by striking the word "No" and inserting in lieu thereof the word "**The**"; and further amend said line by inserting immediately after the word "association" an opening bracket "["; and further amend line 12, by inserting immediately after the closing bracket "]" the following: "**shall do at least twenty-five percent of its business with its members**"; and

Further amend said bill, Page 6, Section 409.401, Line 152, by striking the opening bracket "["; and further amend said line by inserting immediately before the word "not" an opening bracket "["; and further amend line 155, by inserting immediately after the closing bracket "]" the following: "**at least twenty-five percent of its business with its members**".

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Westfall, **SB 462**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 428** be taken up for perfection, which motion prevailed.

On motion of Senate Loudon, **SB 428** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 214, 124, 209** and **322**; and **SCS** for **SBs 5** and **21**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 214, 124, 209** and **322** to the Committee on State Budget Control.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John D. Aylward, Republican, Rural Route 2, Box 88, Memphis, Scotland County, Missouri 63555, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2003, and until his successor is duly appointed and qualified; vice, Charles B. Keller, IV, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Matthew C. Barnes, 3401 Southmore Road, Houston, Texas 77004, as an outstate nonvoting member of the Board of Governor's for Truman State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Alphonso Jackson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Margaret Ewing Buckler, 1223 Bradshaw Avenue, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending July 31, 2006, and until her successor is duly appointed and qualified; vice, Julia Hawkins, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marjorie K. Carter, 641 Hickory Knoll Court, Ballwin, St. Louis County, Missouri 63021, as a member of the Child Abuse and Neglect Review Board, for a term ending August 3, 2003, and until her successor is duly appointed and qualified; vice, Alice Windom, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

N. Cheryl Coleman, Democrat, 1111 W. 46th St., Apt. 4, Kansas City, Jackson County, Missouri 64108, as a member of the Missouri Women's

Council, for a term ending December 6, 2001, and until her successor is duly appointed and qualified; vice, Toni Messina, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Melinda K. Elmore, 13001 Joy Road, Ashland, Boone County, Missouri 65010, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2002, and until her successor is duly appointed and qualified; vice, Roy Wilson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Katherine Bromfield Emke, Democrat, 11617 Summit, Kansas City, Jackson County, Missouri 64114, as Chairperson and member of the Missouri Women's Council, for a term ending December 6, 2003, and until her successor is duly appointed and qualified; vice, Susan Wilson Solovic, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harold H. Lurie, M.D., 2576 South Chapel, Springfield, Greene County, Missouri 65809, as a member of the Drug Utilization Review Board, for a term ending October 15, 2004, and until his successor is duly appointed and qualified; vice, Jacquelyn Dilworth, M.D., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lori Smith Patterson, Republican, #2 Drake Drive, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Women's Council, for a term ending December 6, 2003, and until her successor is duly appointed and qualified; vice, Denise Osment, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert A. Pearson, 3 Briar Point Drive, Kansas City, Clay County, Missouri 64116, as a member of the Missouri State Board of Accounting, for a term ending July 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 955**, entitled:

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 606**, entitled:

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 762**, entitled:

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to women's health services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 754, 29, 300 and 505**, entitled:

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to salary supplements for nationally-certified classroom instructional personnel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 106**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a state systemic lupus erythematosus program in the department of health.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 471**, entitled:

An Act to repeal sections 195.222 and 195.223, RSMo 2000, relating to drug trafficking, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 274**, entitled:

An Act to repeal section 171.033, RSMo 2000, relating to inclement weather exceptions for mandatory days of school attendance, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 662**, entitled:

An Act to amend chapter 436, RSMo, by adding thereto nine new sections relating to retainage in private building contracts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 70**, entitled:

An Act to repeal section 302.020, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 679**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employee leave of absence for organ donation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 120**, entitled:

An Act to repeal sections 302.173 and 307.173, RSMo 2000, relating to motor vehicle safety, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 533** and **724**, entitled:

An Act to repeal section 589.400, RSMo 2000, relating to offenses against the person by enacting in lieu thereof four new sections, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 498**, entitled:

An Act to repeal section 78.450, RSMo 2000, relating to ballot questions for maintaining the city manager form of government, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 581**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto four new sections relating to the farmland protection act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 515, regarding the death of Selby Russell Crawford, Humansville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, Sarah, T. Bennett, Tom and Ellen Burkemper, Troy.

Senator Childers introduced to the Senate, Jonathan Mendenhall, Christopher Hicks, Tiffany Nalley, Kelli Samsel, Chris Mellen, Shelbi Ketcham, Travena Martin, Kara Warner, Shannan Bussey, Casey Guernsey, Kezra Bradford, Natalie Perrigo, Heather Barkley, Philip Goodrich, Eric Middleton, Stefanie Vance, Kendra Deckard, Dustin Ward and Kurt Lovelace, members of the College of the Ozarks Student Senate.

Senator Cauthorn introduced to the Senate, Michael Schwend and Jack Magruder, Kirksville.

Senator Klindt introduced to the Senate, Roberta Schneider, St. Joseph; Imogene Clark, Cameron; Kathy Moses and Dorothy Walk, Maryville; Shirley and Katelynn Clement, Kasey Williams and Denise Lancey, Savannah; Joanne Ranes, Jim Marley and Nancy Elliot, Chillicothe; Marvin Young, Bethany; and Dawn and Amber Sellars, Stewartville; and Katelynn, Kasey, Denise and Amber were made honorary pages.

Senator Cauthorn introduced to the Senate, Mary Tietsort, Chuck Heckert and twenty-three juniors from La Plata High School, La Plata.

Senator Steelman introduced to the Senate, Ms. Katy Walker and seventh and eighth grade students from Kingdom Christian Academy, Fulton.

Senator Gibbons introduced to the Senate, Berkley Shands and fourth grade students from North Glendale School, Glendale; and Erin Land, Jhonetta Phillips, Amanda Schafer and Suzy Shands were made honorary pages.

Senator Klarich introduced to the Senate, Jim Wright, West St. Louis County.

Senator Rohrbach introduced to the Senate, Wayne DeMint, California.

Senator Schneider introduced to the Senate, students from Jana Elementary School, North St. Louis County; and Heather Wright, Nicole Lograsso, Kara Lenz and T.J. Peyton were made honorary pages.

Senator Jacob introduced to the Senate, Terry Fowler, Bart Backus, Mark Jarboe, Stephanie Cook and members of the eighth grade Tiger Team from Moberly Middle School, Moberly; and Maggie Brown, Aerial Smith, Clark Downing and Tommy Gillespie were made honorary pages.

Senator Caskey introduced to the Senate, Ken Bobbitt and one hundred fourth grade students from Knob Noster Public School, Knob Noster.

Senator Gibbons introduced to the Senate, eighty fourth grade students from North Glendale School, Glendale.

Senator Staples introduced to the Senate, John Wright and fourth grade students from Eminence.

Senator House introduced to the Senate, Karl and Sue Lenzenhuber, Dutzow.

Senator Loudon introduced to the Senate, Beverly and Scott Schatzman, Chesterfield.

On behalf of Senator Kinder, the President introduced to the Senate, Dr. Susan Sheets, Dr. Bob Fox and Dr. Shanon Kirchoff, Cape Girardeau.

On behalf of Senator Jacob and himself, Senator Cauthorn introduced to the Senate, Joe Seifkas, Columbia.

Senator Sims introduced to the Senate, former State Representative Vicki Hartzler, and her daughter, Tiffany.

Senator Bentley introduced to the Senate, Dr. Steve Quinn, Greene County.

Senator Bentley introduced to the Senate, Helen Gilman, Teri Eggers, Pat Rossdorf and Eileen Jentsch, Springfield.

Senator Bentley introduced to the Senate, Reese and Cindy Elliott, Springfield.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Gene Worth, M.D., Columbia.

Senator Johnson introduced to the Senate, fifty-five eighth grade students from St. Therese School, Parkville; and Valerie Eckart, Chris Menown, Joey Oberg and Dustin Wright were made honorary pages.

Senator Gibbons introduced to the Senate, David Danaher, a fourth grade student at North Glendale School, Glendale; and David was made an honorary page.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIRST DAY-THURSDAY, APRIL 5, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 328 &

88-Harlan

HB 249-Treadway

HB 321-Skaggs, et al

HB 453-Ransdall, et al

HB 537-Ostmann, et al

HB 314-Treadway and

Nordwald

HS for HCS for HB 327-Rizzo

HB 285-Riback Wilson, et al

HB 796-Hosmer

HB 816-Kennedy and

Gambaro

HB 52-Ward and Crump

HB 704-Gambaro

HB 951-Gratz

HB 596-Kennedy and Gambaro

HB 745-Farnen

HB 945-Hosmer

HB 909-Davis

HB 955-Green (73)

HB 606-Kennedy, et al

HS for HCS for HB 762-Barry

HCS for HBs 754, 29, 300 & 505

HCS for HB 106

HB 471-Jolly, et al

HCS for HB 274

HB 662-Green (73) and St. Onge

HB 70-Koller

HB 679-Boykins

HB 120-O'Connor

HCS for HBs 533 & 724

HB 498-Wagner and McKenna

HCS for HB 581

THIRD READING OF SENATE BILLS

SCS for SB 60-Steelman

(In Budget Control)

SCS for SBs 69 & 458-Gross

(In Budget Control)

SS for SCS for SBs 323 &

230-Childers

SB 385-Mathewson

SS for SCS for SBs 214, 124,

209 & 322-Gross

(In Budget Control)

SCS for SBs 5 & 21-Wiggins, et al

SENATE BILLS FOR PERFECTION

1. SB 27-Johnson and

Westfall, with SCS

2. SB 99-Sims,

with SCS

3. SBs 247 & 330-Westfall

and Staples, with SCS

4. SB 351-Singleton and

Scott, with SCS

5. SJRs 1 & 4-Schneider,
with SCS
6. SBs 510, 512 & 133-
Kenney, with SCS
7. SJR 11-Yeckel
8. SBs 551, 410, 539, 528
& 296-Sims, with SCS
9. SBs 476, 427 & 62-
Yeckel, et al, with SCS
10. SB 369-Steelman and
Stoll, with SCS
11. SB 505-Loudon, with SCS
12. SB 578-Goode and
Russell, with SCS
13. SBs 448 & 588-Sims,
et al, with SCS
14. SB 535-Rohrbach, with SCS
- 15 SB 66-Gibbons, with SCS#2
16. SB 525-Cauthorn, with SCS
17. SB 242-Kenney
18. SB 225-Mathewson,
with SCS
19. SB 180-Klarich
20. SB 583-Yeckel
21. SB 488-Klindt, et al,
with SCS
22. SB 387-Goode, et al,

with SCS

23. SB 455-Kinder, et al,

with SCS

24. SBs 334 & 228-Kinder,

with SCS

25. SB 469-Gross, et al

26. SB 546-Kenney, et al,

with SCS

27. SB 337-House and Kinder

28. SB 593-Klindt, with SCS

29. SB 509-Cauthorn and

Klindt

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,

with SCS & SS for SCS

(pending)

SBs 52 & 91-Childers,

with SCS and SA 3

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SBs 89 & 37-Kinder, with

SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SBs 347 & 487-Caskey,

with SCS (pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 &

SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SBs 433 & 248-Kinder and

Gross, with SCS, SS

for SCS & SA 2 (pending)

SB 438-Bentley and Stoll,

with SS & SA 3 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with SCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIRST DAY--THURSDAY, APRIL 5, 2001

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"God's firm foundation stands bearing this inscription: 'The Lord knows those who are his.'" (1 Timothy 2:19)

Merciful God, we complete a week knowing we are not nearly done with the work we have to finish and are increasingly concerned by it. But help us dear Lord that we do not forget those You have entrusted to us to love and to care for. May our time away from here provide us with opportunities to be mindful of the stresses and loneliness that our families feel as we are so preoccupied with our responsibilities. May we draw those we love closer to us and share the joy of what it means to be married and have children and grandchildren. Bless us with Your word and presence as we join others to worship You this weekend. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 516, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Lee Simpson, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 372**; **SB 462**; and **SB 428**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 27**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 27**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 27

An Act to repeal sections 322.010 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Johnson moved that **SCS** for **SB 27** be adopted.

Senator Johnson offered **SS** for **SCS** for **SB 27**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 27

An Act to repeal sections 322.010 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Senator Johnson moved that **SS** for **SCS** for **SB 27** be adopted.

Senator Klarich assumed the Chair.

Senator Gibbons offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 1, Section A, Line 4, by inserting after all of said line the following:

"273.325. 1. Sections 273.325 to [273.357] **273.360** shall be known as the "Animal Care Facilities Act".

2. As used in sections 273.325 to [273.357] **273.360**, the following terms mean:

(1) "Adequate food", the provision, at suitable intervals of not more than twelve hours, unless the dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all of which foodstuff [is] **must be** served in a safe receptacle, dish, or container;

(2) "Adequate housing", the continuous provision of a sanitary facility, protection from the extremes of weather

conditions, proper ventilation, and appropriate space depending on the species of animal, as defined by regulations of the USDA, as revised;

(3) "Adequate water", the provision, either continuously or at intervals suitable to the species, which intervals shall not exceed eight hours, of a supply of **clean, fresh, unfrozen, potable water supplied in a sanitary manner** in a safe receptacle, dish, or container; **constant potable water must be supplied if the ambient temperature is more than eighty-five degrees;**

(4) "Adult animal", any dog or cat that has reached the age of six months or more;

(5) "Ambient temperature", the temperature immediately surrounding the animal;

(6) "Animal", any dog or cat, which is being used, or is intended [for use] **to be used**, for research, teaching, testing, breeding, or exhibition purposes, or as a pet;

(7) "Animal care facilities act compliance official" or "ACFA compliance official", any licensed veterinarian, designated by and under the supervision of the state veterinarian, who administers or assists in the administration of the provisions of sections 273.325 to 273.360, or any appointee of the director, and shall include all deputy state veterinarians;

(8) "Animal care reserve fund", a separate fund within the state treasury specifically created for sections 273.325 to 273.360 and into which all moneys generated by sections 273.325 to 273.360 are deposited for the sole purpose of administering sections 273.325 to 273.360;

(9) "Animal distributor", any person who owns, conducts, or operates an animal distributor premises; this term shall also include persons who buy and sell animals at wholesale, including auctions and flea markets, whether or not an animal distributor premises is maintained;

(10) "Animal distributor premises", any premises where dogs or cats, or both, are bought or sold, auctioned, traded, bartered, given, or offered or maintained for sale, at wholesale for resale to another, including auctions and flea markets;

[(5)] (11) "Animal shelter", a facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption **but does not include an individual who volunteers to render humane assistance or shelter in his or her home to fewer than ten dogs or cats per year;**

[(6)] "Animal welfare official", any licensed veterinarian, designated by and under the supervision of the state veterinarian, who administers or assists in the administration of the provisions of sections 273.325 to 273.357, or any appointee of the director, and shall include all deputy state veterinarians;]

(12) "Auction", any person selling any consignment of dogs or cats to a bidder; this shall include any means, procedure or practice in which ownership of a dog or cat is conveyed from one person to another by any type or method of bidding process;

[(7)] (13) "Boarding kennel", a place or establishment, other than a [pound] **municipal shelter** or animal shelter, where animals, not owned by the proprietor, are sheltered, fed, and watered in return for a consideration; however, "boarding kennel" shall not include hobby or show breeders who board intact females for a period of time for the sole purpose of breeding such intact females, and shall not include individuals who temporarily, and not in the normal course of business, board or care for animals owned by other individuals;

[(8)] (14) "Commercial breeder", a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than three intact females for the

primary purpose of breeding animals for sale;

[(9)] **(15) "Commercial kennel"**, a kennel which performs grooming or training services for animals, and may or may not render boarding services in return for a consideration;

[(10)] **(16) "Contract kennel"**, any facility operated by any person or entity [other than the state or any political subdivision of the state,] for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals, on behalf of and pursuant to a contract with the state or any political subdivision;

[(11)] **(17) "Dealer"**, any person who is engaged in the business of buying for resale, selling or exchanging animals, as a principal or agent, or who holds himself out to be so engaged or is otherwise classified as a dealer by the USDA as defined by regulations of the USDA;

[(12)] **(18) "Director"**, the director of the department of agriculture of the state of Missouri;

(19) "Exhibitor", any person exhibiting any dog or cat to the public for compensation or consideration of any kind, whether directly or indirectly;

[(13)] **(20) "Hobby or show breeder"**, a noncommercial breeder who breeds dogs or cats with the primary purpose of exhibiting or showing dogs or cats, improving the breed or selling the dogs or cats, and having no more than [ten] **three** intact females. Such breeder shall be classified as a hobby or show breeder if such person only sells animals to other breeders or to individuals;

[(14)] **(21) "Humane euthanasia"**, the act [or practice] of putting an animal to death in a humane [or instantaneous] manner under guidelines and procedures established by rules promulgated by the director;

[(15)] **(22) "Intact female"**, with respect to a dog, refers to a female dog between the ages of six months and [ten] **twelve** years of age which is capable of being bred **has not been sterilized by a licensed veterinarian and**; and with respect to a cat, refers to a female cat between the ages of six months and [eight] **ten** years which is capable of being bred **has not been sterilized by a licensed veterinarian. Proof of sterilization must be made available upon request to the ACFA compliance official or his or her authorized representative**;

(23) "Intermediate handler", any person engaged in any business in which he or she receives custody of animals through boarding, ownership or brokering in connection with their transportation in commerce;

(24) "Municipal shelter", a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, relinquished, abandoned, or unwanted animals;

(25) "Person", any individual, association, partnership, corporation, LLC, firm, joint stock company, cooperative, trust, estate or other entity;

[(16)] **(26) "Pet shop"**, any facility where animals are bought, sold, exchanged, or offered for retail sale to the general public;

[(17)] **"Pound" or "dog pound"**, a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals;]

(27) "Premises", the physical location where animals are housed, fed, exercised, treated, isolated, whelped, shipped, handled, sold; where food or medication are stored or prepared; or any area where records required to be maintained pursuant to sections 273.325 to 273.360 are maintained. Premises shall not include portions of a licensee's home not used for these purposes;

(28) "Retail", any transaction where the animal is sold to the final consumer;

[(18)] **(29) "State veterinarian"**, the state veterinarian as provided by chapter 267, RSMo;

(30) "Sterilize", the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce, or the use of an approved drug which will render the animal permanently unable to reproduce;

(31) "Wholesale", any transaction where the animal is sold for the purpose of resale to another;

[(19)] (32) "USDA", the United States Department of Agriculture.

273.327. No person shall operate **or permit to be operated on any premises owned, leased, managed or otherwise controlled by such person, an animal distributor premises, an auction,** an animal shelter, [pound or dog pound] **municipal shelter,** boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer [or], commercial breeder **or intermediate handler,** unless he has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to [273.357] **273.360** which is operated by the applicant **and no more than one license shall be issued for each physical facility.** Any person exempt from the licensing requirements of sections 273.325 to [273.357] **273.360** may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. **Any premises where activities required to be licensed pursuant to sections 273.325 to 273.360 occur shall be shown on the application. Applications must list the names of all owners and the respective percentage of ownership therein, and such information shall be updated annually by the licensee. Any transfer or change in ownership shall require application for a new license.** The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the **basic minimum** license fee shall [range from] **be one hundred [to five hundred] dollars per year with an additional minimum charge of one dollar per animal sold, traded, bartered, brokered, auctioned, given away, transferred or otherwise disposed of other than by euthanasia or death over the course of a year. If the per capita fee cannot be determined because the applicant is operating a new facility, the director shall determine the per capita fee for the first year of the license based on the operating capacity of the facility six months after the license is issued and shall be payable by the applicant at that time. All other per capita fees are to be set by rules promulgated by the director.** [Pounds, dog pounds] **Municipal shelters** and animal shelters shall be exempt from payment of [such fee] **license and per capita fees.** License fees shall be levied for each license issued or renewed on or after January 1, 1993.

273.329. 1. The director may refuse to issue or renew or may revoke a license on any one or more of the following grounds:

(1) Material and deliberate misstatement in the application for any original license or for any renewal license under sections 273.325 to [273.357] **273.360;**

(2) Disregard or violation of sections 273.325 to [273.357] **273.360** or of any rules promulgated pursuant thereto;

(3) Conviction of any violation of any state or federal law relating to the disposition or treatment of animals;

(4) **Knowingly aiding or abetting of another in violation of any provision of sections 273.325 to 273.360 or of any rules promulgated thereto;**

(5) **Knowingly permitting any license issued hereunder to be used by an unlicensed person or transferred to an unlicensed premises other than that specified on the license;**

(6) **Misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of the business of the licensee;**

(7) **A fraudulent bill of sale knowingly issued or accepted involving any activities regulated pursuant to sections 273.325 to 273.360 or in violation of regulations of the USDA;**

(8) **Failure to provide adequate food, water, housing or sanitary facilities for animals under the control of an animal distributor, animal shelter, boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, intermediate handler, pet shop, [pound] municipal shelter, or exhibitor as defined by regulations of the USDA;**

(9) Failure to report to the director the sale or transfer of any business or premises licensed pursuant to sections 273.325 to 273.360;

(10) Refusal to allow the ACFA compliance official access to inspect any records required by sections 273.325 to 273.360 or any animal, premises, area, equipment, vehicle or facility required to be licensed or inspected pursuant to sections 273.325 to 273.360.

2. The director shall revoke a license, and shall refuse to issue or renew a license, when the applicant has been convicted of, or has pled guilty or nolo contendere to, any violation of local, state or federal law involving mistreatment, cruelty, neglect or abuse of animals or fined by the United States Department of Agriculture for a violation of the Animal Welfare Act, 7 U.S.C. Section 2131, et seq., involving mistreatment, cruelty, neglect or abuse of animals. When a license is revoked, denied, or not renewed due to a fine or fines levied by the United States Department of Agriculture for a violation of the federal Animal Welfare Act, the applicant or licensee may request an administrative hearing pursuant to chapter 536, RSMo.

3. Notwithstanding the above provisions, if failure to comply with any of the provisions of sections 273.325 to 273.360 results in substantial risk to the health or welfare of the animals under the licensee's care, custody or control, or on the premises owned, leased or managed by the licensee, the license shall be immediately suspended pending the outcome of any legal, administrative or other proceeding.

4. In exercising discretion granted pursuant to this section whether to issue, renew, or revoke a license, the director shall consider criteria including but not limited to, the frequency or severity of the offense or offenses, and the overall condition, health and welfare of the animals involved.

5. Whenever a license is revoked, denied or not renewed, the director shall investigate or inspect the facility as permitted by section 273.331 no sooner than thirty days after, and no later than ninety days after, the revocation, denial or non-renewal to verify that there is no evidence of activity that should otherwise be licensed pursuant to sections 273.325 to 273.360. If upon such investigation or inspection, there is evidence of continuing activity which should otherwise be licensed pursuant to sections 273.325 to 273.360, the director shall initiate legal, administrative, or other proceedings to enforce and collect the appropriate fines and penalties. The ACFA compliance official shall report any continuing activity which should otherwise be licensed pursuant to sections 273.325 to 273.360 to the local law enforcement authority and local animal control authority. In addition, the ACFA compliance official may report such activity to any humane organization as he or she deems appropriate. It shall be a class A misdemeanor for a licensee to engage in any activity required to be licensed pursuant to sections 273.325 to 273.360 with another person whose license has been revoked, denied or not renewed.

6. Whenever a license has been revoked, denied or not renewed, prior to issuance of a subsequent license, a full and complete reinspection of the premises or of any facility operated by the licensee in question shall be required. Any such reinspection shall require a one hundred dollar fee. Following revocation, denial or non-renewal of a license, the change of ownership or transfer of property in question into another person's name shall not justify any failure to reinspect the premises by the director. If a subsequent license is issued, all parties previously notified in subsection 6 of this section, shall be notified by the director of such reinstatement.

7. Operation of an animal shelter, [pound or dog pound] **animal distributor premises, auction, municipal shelter, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, or activity as a commercial breeder, intermediate handler or dealer** without a valid license shall constitute a class A misdemeanor.

273.331. **1.** A license shall be issued only upon inspection by the state veterinarian, his designee, or an [animal welfare official] **ACFA compliance official**. [A facility subject to the provisions of sections 273.325 to 273.357, at the time it applies for licensure, shall be granted a provisional license which shall allow operation of the facility until the facility is inspected or until December 31, 1994, whichever earlier occurs.] **A license shall be denied if entry and inspection of premises or vehicles used to transport or house animals is refused. Notice need not be given to any person prior to inspection or reinspection.**

2. The [state veterinarian] director shall have the duty and authority to inspect all facilities licensed under sections 273.325 to [273.357] 273.360. Inspections shall be conducted a minimum of once [a year, or] within each twelve-month period. In addition, one-fourth of all facilities inspected during each twelve-month period shall be reinspected. Notice need not be given to any person prior to reinspection. Upon a complaint to the department regarding a particular facility[. The validity of the complaint will be ascertained by the state veterinarian or his designated representative.], an additional inspection shall be conducted to determine the validity of the complaint. However, if the director determines there have been two or more documented unsubstantiated complaints regarding the particular facility the director shall have discretion as to whether the particular facility will be inspected. Pursuant to section 273.331, the identity of any named complainant shall remain confidential except to employees of the director when such identity is necessary to validate and substantiate complaints within the normal course of their duties and shall not be released to any person or agency without the express written consent of the complainant, or unless required to be released to a court of competent jurisdiction. For the purposes of this section, an unsubstantiated complaint shall be one that does not reveal a violation of any provision of sections 273.325 to 273.360 after an inspection has been conducted. Any person who intentionally makes a false complaint to the director shall be guilty of a class A misdemeanor.

3. Any person acting as a ACFA compliance official who intentionally fails or refuses to make an inspection or conduct an investigation pursuant to sections 273.325 to 273.360 shall be subject to suspension or dismissal.

4. Any person acting as an ACFA compliance official for purposes of inspecting and conducting investigations who knowingly falsifies the results or findings of any inspection or investigation pursuant to sections 273.325 to 273.360 shall be guilty of a class D felony.

5. Any person making inspections pursuant to this section shall be comprehensively trained in the requirements of sections 273.325 to 273.360 and any rules and regulations promulgated thereunder; identification of symptoms of disease, injury, neglect and abuse in animals; state law regarding neglect, abuse and control of animals; basic principles of animal behavior and proper handling and hold a national animal control association or national cruelty investigation certificate. Such training is to be completed within the first twelve months of employment as an inspector.

6. The director shall promulgate rules and regulations which will implement a uniform and consistent method for inspecting facilities licensed pursuant to sections 273.325 to 273.360. Such rules and regulations shall include, but not be limited to, inspection of the following areas:

(1) Adequacy of shelter, including conditions of sanitation and ventilation;

(2) Adequacy of food and water;

(3) Maintenance and verification of records of acquisition and disposition of animals in the custody of the licensee; and

(4) Adequacy of health and veterinary care.

7. If the director enters into a memorandum of understanding with the United States Department of Agriculture to ensure thorough and efficient inspections for facilities licensed pursuant to sections 273.325 to 273.360 and the Animal Welfare Act, 7 U.S.C. Section 2131, et seq., the director shall retain primary responsibility for the enforcement of sections 273.325 to 273.360.

8. Animal care facilities act compliance officials shall report any and all violations discovered during any inspection of a facility licensed pursuant to sections 273.325 to 273.360. A record of the violation shall be created and maintained by the director and a copy of the violation report shall be provided to the facility and the political subdivision in the case of a publicly-owned facility. The director shall promulgate rules and regulations to:

(1) Track reporting of violations;

(2) Monitor repeat violations; and

(3) Increase the frequency of inspections for repeated violations.

9. Records of all inspections pursuant to this section shall be maintained in the offices of the director. Records of inspections shall not disclose the identity of complainants without the express written permission of the complainant, and shall be available for public inspection during regular business hours.

273.332. 1. No employee, appointee, or designee of the state or any of its agencies, shall be allowed to perform any action required or permitted by sections 273.325 to 273.360, or the rules and regulations promulgated by the director thereunder, if there exists a conflict of interest.

2. A conflict of interest is created by, but not limited to, the following circumstances:

(1) The impartiality of the employee, appointee or designee, of the state or any of its agencies, is limited by that person's responsibilities to a third person or business interest, or by that person's own interests;

(2) The employee, appointee or designee, of the state or any of its agencies or such person's child, parent, sibling or spouse, has within the past five years, entered into a business or financial transaction with any person who is required to be licensed pursuant to sections 273.325 to 273.360 other than the purchase of a pet or pet articles and supplies related to the care, feeding and socialization of such animals for personal use;

(3) The employee, appointee or designee, of the state or any of its agencies or that person's relative is related by marriage or blood within the second degree of affinity or consanguinity to any person who is required to be licensed pursuant to sections 273.325 to 273.360;

(4) The employee, appointee or designee, of the state or any of its agencies, is related by marriage or blood within the second degree of affinity or consanguinity to any person who presently has, or within the past five years has had, any ownership interest in or received income from a person, business or other entity required to be licensed pursuant to sections 273.325 to 273.360.

3. No person who has a conflict of interest as provided in this section shall act as the administrator of the animal care facilities act program.

4. If the employee, appointee or designee is prohibited from performing any action pursuant to sections 273.325 to 273.360 due to a conflict as provided in this section, another qualified person shall be immediately designated and directed to perform the action which such person is prohibited from performing. Nevertheless, nothing in this section shall prohibit such person from performing any action, on an emergency basis, that is meant to prevent or stop an ongoing risk to the health and welfare of any animal covered by sections 273.325 to 273.360.

5. Each employee, appointee or designee, of the state or any of its agencies, that is charged with the duty of performing any action pursuant to sections 273.325 to 273.360, shall at the initiation of his or her employment, on a yearly basis thereafter, and at any time any such knowledge or information comes to his or her attention, be required to disclose in writing to the director any information that may constitute a conflict of interest.

6. Provisions of this section shall not limit or restrict the ability to be licensed pursuant to sections 273.325 to 273.360, but in any case, a written acknowledgment of the actual conflict shall remain on file and available for public review upon request.

7. Provisions of this section may not necessarily apply to members of any advisory committee or body requiring representation from licensees who are performing duties within a committee or other body as required by sections 273.325 to 273.360. Such licensees shall nonetheless file the required disclosure form indicating any conflict or potential conflict of interest.

273.333. The state veterinarian or an [animal welfare] ACFA compliance official, upon his or her own information or

upon the complaint of any person, [may] **shall** institute an investigation including the inspection during normal business hours of any premises or vehicle upon which any animal is or may be found, and may determine if any violation of sections 273.325 to [273.357] **273.360** or of any rule promulgated pursuant to sections 273.325 to [273.357] **273.360** is deemed to exist. **However, if the director determines there have been two or more documented unsubstantiated complaints regarding the particular facility the director shall have discretion as to whether the particular facility will be inspected.** The director[, or his designee,] may issue an order to the person responsible for the violation to appear at an administrative hearing. The director[, or his designee,] upon a finding that such a violation occurred after a hearing thereon, shall issue remedial orders enforceable in the circuit courts of this state to correct such violations, and in addition may assess an administrative penalty in an amount not to exceed one thousand dollars for each violation. In assessing the amount of penalty under sections 273.327 to 273.342, the director shall take into account the seriousness of the violation, **harm suffered by any animals involved, the number and severity of previous violations,** and the extent of damage to third parties and the state. **In addition, the director may suspend the license until such violations stated in the remedial orders are corrected. Suspension of the license may remain in effect during the appeal process at the discretion of the director. Any violations of sections 273.325 to 273.360 affecting the health or welfare of the animals involved may be considered separate violations per each animal affected.** All penalties collected shall be deposited to the [state general revenue] **credit of the animal care reserve fund.** In addition, the director may assess the reasonable costs of remedying a violation in the event that the person responsible is unwilling or unable to correct the violation within a reasonable period of time, **taking into account the health and welfare of the animals involved.** Any person aggrieved by the decision of the director may appeal as provided in sections 536.100 to 536.140, RSMo.

273.335. **1.** When, in the judgment of the state veterinarian or an [animal welfare] **ACFA compliance** official, any person has been in violation of sections 273.325 to [273.357] **273.360** so as to pose a substantial ongoing risk to the health and welfare of animals in his custody or so as to pose a substantial ongoing risk that consumers will purchase diseased animals from such person, the director [may] **shall immediately suspend a license and direct remedial action for the animals involved. If the licensee is unwilling to relinquish the license, or to take remedial action for the animals involved, the director shall** apply to the circuit court of the county in which such person resides **or in which the animals are located at the time of the violation or in Cole County,** and such court may grant an order enjoining temporarily or permanently that person from engaging in activities described in [section 273.327] **sections 273.325 to 273.360.**

2. If the animals being held in any of the facilities **subject to the provisions of sections 273.325 to 273.360 and** licensed under sections 273.325 to [273.357] **273.360** are found to be suffering unrelieved pain or distress [or], disease **or are malnourished or dehydrated,** the animals may be taken into custody [for humane euthanasia] **pursuant to section 578.018, RSMo,** at the expense of the licensee. Reasonable effort shall be made to notify the facility operator of such intent and [only] **such action to ensure care for the animals shall be taken immediately if the operator cannot be located or** upon his refusal or inability to immediately correct the causative violation and provide adequate veterinary care [shall such action be taken]. **If such action is taken, the director shall cooperate with local law enforcement authorities in seeking prosecution for the crime of neglect or abuse pursuant to sections 578.005 to 578.023, RSMo, and shall suspend said facility's license during such investigation and prosecution. Nothing in this section shall preclude the director from pursuing any and all remedies provided pursuant to sections 273.325 to 273.360.**

3. Nothing in sections 273.325 to [273.357] **273.360** shall be construed to interfere with scientific research as enunciated in subsection 2 of section 273.354.

273.336. **1.** An ACFA compliance official has a mandatory duty to report animal abuse or neglect as defined in sections 578.005 to 578.188, RSMo, of animals as defined in section 273.325 observed in the course of their duties to the local law enforcement authority and local animal control authority. Failure to report such abuse or neglect shall be a class A misdemeanor and may subject the ACFA compliance official to suspension or dismissal. However, intentional failure to report such abuse or neglect shall subject the ACFA compliance official to suspension or dismissal.

2. The director shall provide a standardized, mandatory animal abuse and neglect reporting form with specific

criteria delineated which shall be made available and submitted to the local law enforcement authority and the local animal control authority when abuse or neglect are observed in the course of their duties. Copies of all completed animal abuse and neglect reporting forms shall remain permanently on file with the director.

273.337. The director shall publish a listing of enforcement activity. Such listing is to be updated quarterly and shall include, but not necessarily be limited to, names of facilities and facility operators whose licenses have been revoked; the number of inspections, reinspections, suspensions, fines or other such regulatory activity performed in any given month. Form of publication may include electronic means through the department's website.

273.338. Persons and facilities which subsequently fail two consecutive reinspections for [an original] **a similar** violation shall be charged a fee of one hundred dollars[,] which shall be paid before subsequent inspection and renewal of such person's or facility's license.

273.340. A dealer shall only purchase animals from persons in this state who are licensed under sections 273.325 to [273.357] **273.360**, or who are exempt from licensure. Any dealer who knowingly purchases animals in violation of this section [shall be] **or who knowingly purchases animals from a person or facility whose license has been suspended or revoked or from a registered hobby or show breeder is guilty of a class A misdemeanor** and each purchase made shall constitute a separate offense. In addition to such penalties, the director [may] **shall** revoke such dealer's license.

273.342. 1. Persons engaged in breeding dogs and cats who harbor three or less intact females shall be exempt from the provisions of sections 273.325 to [273.357] **273.360**.

2. A hobby or show breeder shall be exempt from the licensure and inspection requirements of sections 273.325 to [273.357] **273.360**. The director shall develop a form for registration of persons who meet the definition of hobby or show breeder, and any such hobby or show breeder shall register annually with the director for the purpose of establishing that such person is a hobby or show breeder, at no cost to said hobby or show breeder. **Any person who intentionally provides false information on the registration form is guilty of a class A misdemeanor.**

273.344. 1. Persons and facilities subject to USDA licensure shall comply with the standards and regulations as prescribed by the USDA, as revised from time to time.

2. Persons and facilities who are subject to sections 273.325 to [273.357] **273.360**, but who are not subject to USDA licensure, shall comply with **the provisions of sections 273.325 to 273.360 as well as any and all** rules promulgated by the director which establish standards relating to, **but not limited to**, the following:

- (1) Adequate shelter, including proper conditions of sanitation and ventilation;
- (2) Adequate food and water; [and]
- (3) Maintenance of records of acquisition and disposition of animals in the custody of the licensee; **and**
- (4) Health and veterinary care.**

273.346. 1. The director shall promulgate rules for an adequate program of health and veterinary care which shall be maintained for all animals in the custody of persons and facilities subject to licensure pursuant to sections 273.325 to [273.357, except pounds or dog pounds] **273.360**. Records of veterinary services provided to such animals shall be maintained and made available to the state veterinarian or an [animal welfare] **ACFA compliance** official upon request.

2. Any such rules promulgated to cover [pounds or dog pounds] **municipal shelters** shall not require or be applied so as to require the construction of any new buildings or major reconstruction of any physical plant beyond the scope of normal upkeep and repair.

273.348. 1. The premises of each licensee shall be open for inspection.

2. If, upon investigation, the state veterinarian or an [animal welfare] **ACFA compliance** official finds that an animal or group of animals is suffering from any highly contagious, communicable or infectious disease or exposure thereto, [against which he may think best to quarantine,] he **or she** shall immediately quarantine the animal or group of animals to the premises and separate from other susceptible animals not so diseased or infected until such diseased animals are:

(1) Recovered and no longer capable of transmitting the diseases;

(2) Isolated;

(3) Humanely euthanized and disposed of as provided for in the rules [of the] **promulgated by the director**;

(4) Tested, vaccinated or otherwise treated; or

(5) Otherwise released by the state veterinarian. Animals under quarantine and treatment or testing may not be removed from the premises until the licensee is notified that such animals are recovered and incapable of spreading the disease and otherwise released by the state veterinarian or an [animal welfare] **ACFA compliance** official. The method of eliminating the disease problem shall be at the discretion and in accordance with such procedures as may be outlined by the state veterinarian. **Facilities with animals found to be suffering from an infectious disease which is dangerous or communicable to humans, as determined by the director by rule shall be immediately reported to the state department of health.**

3. Violation of the provisions of sections 273.344 to 273.348 shall be a class A misdemeanor.

273.350. The director shall promulgate rules pursuant to the provisions of chapter 536, RSMo, required to implement the provisions of sections 273.325 to [273.357] **273.360**. Such rules shall include establishing health and safety standards for motor vehicles regularly used in the commercial transportation of live animals. The director shall also by rule define the term "exotic animals", which shall generally refer to canines and felines not ordinarily kept for domestic purposes, and shall promulgate rules establishing standards for food, water, housing and health care for exotic animals and standards for determining whether a particular operation is a farming practice or is a breeder of pets; provided that the authority of the department of conservation to regulate wildlife within the state of Missouri as provided by section 252.030, RSMo, shall not be deprived or diminished. [Any animal welfare] **An ACFA compliance** official shall have the authority of an animal control officer as defined by chapter 578, RSMo. It shall be unlawful for any person licensed or registered pursuant to sections 273.325 to [273.357] **273.360** to knowingly ship a diseased animal, and any such person who violates this provision shall be subject to a fine of not more than one hundred dollars for each diseased animal shipped. Sections 273.325 to [273.357] **273.360** and the rules promulgated thereunder shall apply to all businesses, individuals and agents which transport animals in or through this state, except that such businesses, individuals and agents licensed by the USDA shall be subject to USDA standards relating to transportation of animals.

[273.352. 1. There is hereby established an advisory committee to assist the director in establishing rules under sections 273.350 and 273.352 and to provide ongoing review of the administration of sections 273.325 to 273.357. The members of the advisory committee shall receive no compensation or reimbursement for their expenses incurred in the performance of their duties. The advisory committee shall consist of thirteen persons appointed by the director as follows:

(1) One person who operates or supervises an animal shelter;

(2) One person who operates or is employed by a pound or dog pound;

(3) One person who operates a commercial kennel or a boarding kennel;

(4) One person who operates a pet shop and who sells both dogs and cats;

- (5) One dealer;
- (6) One person who operates or is employed by an animal humane society or other humane organization;
- (7) One veterinarian licensed pursuant to chapter 340, RSMo;
- (8) One person who is a commercial animal breeder, who breeds both dogs and cats;
- (9) One person representing the Missouri Animal Control Association;
- (10) One person representing professional cat breeders;
- (11) The state veterinarian of the department of agriculture;
- (12) The state public health veterinarian of the department of health;
- (13) One hobby or show breeder.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

273.353. 1. There is hereby established the "ACFA Advisory Board" to assist the director in establishing rules pursuant to sections 273.325 to 273.360 and to provide ongoing review of the administration and enforcement of sections 273.325 to 273.360. The members of the advisory board shall receive no compensation or reimbursement for their expenses incurred in the performance of their duties. The members of the advisory board shall serve for three-year terms but not to exceed two consecutive complete terms. Any members of the advisory committee appointed pursuant to section 273.352 shall be eligible for appointment to the advisory board created pursuant to this section. Vacancies on the advisory board shall be filled for the unexpired term by appointment by the governor with the advice and consent of the senate. The advisory board shall meet at least quarterly and at such other times as a majority of the advisory board members may determine.

2. The advisory board shall consist of thirteen persons appointed by the governor, with the advice and consent of the senate, as follows:

- (1) One person who operates or supervises an animal shelter;**
- (2) One person who operates or is employed by a municipal shelter or a representative of the Missouri animal control association;**
- (3) One person who operates a commercial kennel or a boarding kennel;**
- (4) One person who operates a pet shop;**
- (5) One dealer;**
- (6) One person who operates or is employed by an animal humane society;**
- (7) One veterinarian licensed pursuant to chapter 340, RSMo;**
- (8) One person who is a commercial animal breeder, who breeds dogs or cats;**
- (9) The state veterinarian of the department of agriculture;**
- (10) The state public health veterinarian of the department of health;**
- (11) One hobby or show breeder;**

(12) One person representing a non-profit humane advocacy group; and

(13) One public member who is not associated with the breeding industry or any animal rights group.

3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

273.354. 1. Sections 273.325 to [273.357] **273.360** shall not apply to a place or establishment which operates under the immediate supervision and control of a duly licensed veterinarian as a facility where animals are hospitalized or boarded.

2. Nothing in sections 273.325 to [273.357] **273.360** shall be construed as requiring licensing of research facilities or authorizing promulgation of rules affecting the design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by that research facility's institution animal care and use committee.

273.357. All fees collected by the director from licenses issued under sections 273.325 to [273.357] **273.360** and all administrative fees, penalties and other moneys collected by the director pursuant to sections 273.325 to 273.360 shall be used to administer the provisions of sections 273.325 to [273.357] **273.360**, and shall be deposited in the state treasury to the credit of the "Animal Care Reserve Fund", which is hereby created. **Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources. A complete listing of all donors and amounts given to the fund will be available for review upon request.** All moneys deposited in the animal care reserve fund shall be subject to appropriation for the use and benefit of the department of agriculture to administer the provisions of sections 273.325 to [273.357] **273.360**. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the animal care reserve fund shall not be transferred to the general revenue fund at the end of the biennium. **Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be retained in the animal care reserve fund.**

273.360. If any provisions of sections 273.325 to 273.360, or the application to any person or circumstance, shall be held invalid, the remainder of sections 273.325 to 273.360, and the application of any such provision to any person or circumstance other than those to which it is held invalid, shall not be affected thereby."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 27**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Rohrbach assumed the Chair.

SB 99, with **SCS**, was placed on the Informal Calendar.

Senator Westfall moved that **SB 247** and **SB 330**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 247** and **330**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 247 and 330

An Act to repeal sections 226.540, 226.550 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Westfall moved that **SCS** for **SBs 247** and **330** be adopted.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 247 and 330, Page 8, Section 226.585, Line 1, by inserting after the numeral "226.585." the numeral "**1.**"; and

Further amend said bill and section, Page 9, Line 14, by inserting after all of said line the following:

"2. Trees and other vegetation located on the highways or public rights of way may be removed or trimmed without a permit for the purpose of installation and maintenance of utility facilities permitted in the right-of-way pursuant to section 227.240 RSMo.

3. Nothing in this section shall be construed as prohibiting a rural electric cooperative from exercising its powers pursuant to section 394.080. No permit pursuant to this section shall be required by a rural electric cooperative to exercise such powers."

Senator Westfall moved that the above amendment be adopted.

Senator House offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 247 and 330, Page 1, Section 226.585, Line 2 of said amendment by, inserting after all of said line the following:

"Further amend said bill and section, Page 9, Lines 6 and 7, by striking said lines and inserting in lieu thereof the following: **"billboard. The right to a vegetation permit shall be issued in accordance with the rules and regulations promulgated by the highways and transportation commission"**; and further amend line 8, by striking the following: **"to public safety"**; and".

Senator House moved that the above amendment be adopted.

Senator Singleton offered **SSA 1** for **SA 1** to **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bills Nos. 247 and 330, Pages 8 and 9, Section 226.585, Lines 1-14, by striking all of said lines; and

Further amend said bill, Page 9, Section B, Line 2, by striking the following: ", 226.550 and 226.585" and inserting in lieu thereof the following: "and 226.550"; and further amend line 5, by striking the following: ", 226.550 and 226.585" and inserting in lieu thereof the following: "and 226.550"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above substitute amendment be adopted.

Senator Westfall raised the point of order that **SSA 1** for **SA 1** to **SA 1** is out of order as it is in the third degree.

The point of order was referred to the President Pro Tem.

At the request of Senator Singleton, **SSA 1** for **SA 1** to **SA 1** was withdrawn, rendering the point of order moot.

SA 1 to **SA 1** was again taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 247 and 330, Page 9, Section 226.585, Line 14, by inserting immediately after said line the following:

"Section 1. Notwithstanding the provisions of sections 226.500 to 226.600 to the contrary, any person may erect a business sign in an agriculturally zoned area of a zoned county."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SS** for **SCS** for **SBs 247** and **330**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 247 and 330

An Act to repeal sections 226.527, 226.540 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof four new sections relating to the same subject.

Senator Jacob moved that **SS** for **SCS** for **SBs 247** and **330** be adopted.

At the request of Senator Westfall, **SB 247** and **SB 330**, with **SCS**, as amended, and **SS** for **SCS** (pending), were placed on the Informal Calendar.

RESOLUTIONS

Senators Wiggins, Quick and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 517

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Richard "Dick" Fletcher, of Kansas City; and

WHEREAS, Richard Fletcher, a native of Kansas City and Independence, was a long time career officer of the Kansas City Police Department, having risen through the ranks to Lt. Colonel as Deputy Chief at the time of his retirement in 1990; and

WHEREAS, Colonel Fletcher's commands over many distinguished years included the Field Services Bureau, Internal Affairs Division, Regional Training Academy, Records and Communications Division, and the North, Metro and South Patrol Divisions; and

WHEREAS, Colonel Fletcher helped establish the Street Narcotics Unit, the 911 communications system, a citizen ride-along program, he established utilization of Emergency Radio Systems members as surveillance teams for the Police Department, and assisted in evaluating processes that resulted in the use of helicopters for the Kansas City Police Department; and

WHEREAS, Colonel Fletcher, a former Chief of Police in Riverside, chaired the Police Task Force on Domestic Violence, he served as Board Member of the Missouri Police Chiefs Association and a member of the Metropolitan Chiefs and Sheriff's Association; and

WHEREAS, Colonel Fletcher was most of all a devoted husband and father in whose heart and love his family always came first; and

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate pause in their deliberations to salute the memory of a premier law enforcement officer and distinguished community leader, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City and to Missouri and extend to his wife, Mrs. Sharon Baughman Fletcher, family and many friends most sincere sympathy on his death;

BE IT FURTHER RESOLVED, that the Secretary of the Senate prepare properly inscribed copies of this resolution for his wife, Mrs. Sharon Baughman Fletcher, daughter Debbie Gilmore, sons Rich Fletcher and Ron Fletcher, and the Kansas City, Missouri, Police Department.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Joseph E. Maxwell, as a member of the Missouri Community Service Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael T. Schwend, as a member of the Board of Governors for Truman State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Sarah B. Burkemper, as a member of the Board of Governors for Truman State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator House moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Mary Louise Bussabarger, as a member of the State Mental Health Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Carol Russell Fischer, as a member of the Multi-State Tax Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Rohrbach, Senator Kenney moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kenneth M. Kielty, as a member of the St. Charles County Convention and Sports Facilities Authority, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gross moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for HCS for HBs 328 and 88--Aging, Families and Mental Health.

HB 249--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 321--Ways and Means.

HB 453--Commerce and Environment.

HB 537--Aging, Families and Mental Health.

HB 314--Aging, Families and Mental Health.

HS for HCS for HB 327--Commerce and Environment.

HB 285--Public Health and Welfare.

HB 796--Public Health and Welfare.

HB 816--Ways and Means.

HB 52--Judiciary.

HB 704--Pensions and General Laws.

HB 951--Local Government and Economic Development.

HB 596--Local Government and Economic Development.

HB 745--Financial and Governmental Organization, Veterans' Affairs and Elections.

HB 945--Judiciary.

HB 909--Local Government and Economic Development.

HB 606--Local Government and Economic Development.

HB 955--Appropriations.

HS for **HCS** for **HB 762**--Aging, Families and Mental Health.

HB 471--Civil and Criminal Jurisprudence.

HCS for **HB 274**--Education.

HB 662--Labor and Industrial Relations.

HB 70--Pensions and General Laws.

HB 679--Labor and Industrial Relations.

HB 120--Transportation.

HCS for **HBs 533** and **724**--Civil and Criminal Jurisprudence.

HB 498--Local Government and Economic Development.

HCS for **HB 581**--Agriculture, Conservation, Parks and Tourism.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 28**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 495**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE RESOLUTION NO. 495

WHEREAS, providing public education is the primary duty of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the General Assembly has a core responsibility in securing this constitutional guarantee by the passage of laws and appropriations; and

WHEREAS, the Kansas City School District emerged from federal court ordered desegregation in 1999; and

WHEREAS, since emerging from court ordered de-segregation, the Kansas City School District comprises approximately 35,600 students; and

WHEREAS, the Kansas City School District has a graduation rate of approximately 59 percent; and

WHEREAS, the Kansas City School District has only approximately 22 percent of its students entering two or four year colleges and universities; and

WHEREAS, the Kansas City School District has only approximately 11 percent of its students scoring at or above the national average on the

ACT; and

WHEREAS, the Kansas City School District lost district accreditation in May 2000, only meeting three of the eleven Missouri School Improvement Program performance indicators required to achieve state accreditation; and

WHEREAS, the Kansas City School District has experienced continuing governance issues including a high rate of superintendent turnover, and dissention between and among those responsible for governance of the district; and

WHEREAS, the Kansas City School District has been the subject of various proposals in the General Assembly dealing with governance and state involvement; and

WHEREAS, the St. Louis School District faces many of the same issues and difficulties in delivering education in an urban environment:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, that a committee on Urban Education be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that said committee study issues concerning the delivery of urban education, which may include all issues relating to governance, financial accountability, the relationship between governance and the failure to deliver public education in the urban environment and any other education-related issues related to the delivery of urban education the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, as soon as practical, together with its recommendations for any legislative action it deems necessary for submission to the Senate; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State Tax Commission, the Kansas City School District, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Senate Contingent Fund.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Kenney submitted the following report:

Mr. President: Your Committee on Education, to which were referred **SB 42** and **SB 108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Westfall, Chairman of the Committee on Transportation, Senator Kenney submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 565**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HJR 11**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 410**, entitled:

An Act to repeal section 71.285, RSMo 2000, relating to removal of weeds, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 612**, entitled:

An Act to repeal section 208.151, RSMo, relating to the community first act, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 824**, entitled:

An Act to repeal section 135.095, RSMo 2000, and to enact in lieu thereof three new sections relating to a pharmaceutical investment program for seniors, with an effective date for a certain section.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 825**, entitled:

An Act to repeal section 144.815, RSMo 2000, relating to the exemption from taxation of bullion and investment coins, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 518, regarding Liz Viele, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, his wife, Sharon, and their grandson, Cody Ray, Halfway; and Cody Ray was made an honorary page.

Senator Cauthorn introduced to the Senate, Andy Atzenweiler, Kansas City; Amy Prokop, Livingston County; David Mahnken, Lafayette County; David Dick, Linda Kahrs and Kristy Fisher, Pettis County; Jack Taylor and Dustin Van Meter, Lewis County; Chanda Campbell, Texas County; Steve Baima, Boone County; Melissa Wright, Audrain County; Ken Disselhorst, Marion County; and Darrell Skiles, Dent County.

On behalf of Senator Gross and himself, Senator House introduced to the Senate, Kurt Vallin and thirty-nine seventh grade students from Zion Lutheran School, St. Charles County.

Senator Staples introduced to the Senate, Linda Kirkman and students from Summersville Elementary School, Shannon County.

Senator Loudon introduced to the Senate, fourth grade students from Carrolton Elementary School, Bridgeton.

On behalf of Senator Schneider, Senator Goode introduced to the Senate, students from McCurdey Elementary School, North St. Louis County; and Emily Dunn, Ashley and Emily Marston and Olivia Thornton were made honorary pages.

Senator Klindt introduced to the Senate, five teachers, one student teacher and ninety-six fourth grade students from Brookfield Elementary School, Brookfield.

Senator Westfall introduced to the Senate, Cindy Kisling and eighth grade students from Willard Junior High School, Willard; and Scott Halle, Annie Farr, Maribeth Liveoak, Sarah Billines, Teri Gilbert and Greg French were made honorary pages.

Senator Dougherty introduced to the Senate, Mayor-elect Francis Slay, St. Louis.

Senator Sims introduced to the Senate, fifty-five students from Willowbrook School, Creve Coeur.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Frank Rieger, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 3:00 p.m., Monday, April 9, 2001.

SENATE CALENDAR

FIFTY-SECOND DAY-MONDAY, APRIL 9, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HBs 754, 29, 300 & 505

HCS for HB 106

HS for HJR 11-Gambaro

HB 410-Holt, et al

HS for HB 612-Ladd Baker

HS for HCS for HB 824-Abel

HB 825-Kennedy THIRD READING OF SENATE BILLS

SCS for SB 60-Steelman

(In Budget Control)

SCS for SBs 69 & 458-Gross

(In Budget Control)

SS for SCS for SBs 323 &

230-Childers

SB 385-Mathewson

SS for SCS for SBs 214,

124, 209 & 322-Gross

(In Budget Control)

SCS for SBs 5 & 21-Wiggins, et al

SS for SCS for SB 372-Gibbons

SB 462-Westfall

SB 428-Loudon

SENATE BILLS FOR PERFECTION

1. SB 351-Singleton and

Scott, with SCS

2. SJRs 1 & 4-Schneider,
with SCS
3. SBs 510, 512 & 133-
Kenney, with SCS
4. SJR 11-Yeckel
5. SBs 551, 410, 539, 528
& 296-Sims, with SCS
6. SBs 476, 427 & 62-
Yeckel, et al, with SCS
7. SB 369-Steelman and
Stoll, with SCS
8. SB 505-Loudon, with SCS
9. SB 578-Goode and
Russell, with SCS
10. SBs 448 & 588-Sims,
et al, with SCS
11. SB 535-Rohrbach, with SCS
12. SB 66-Gibbons, with SCS#2
13. SB 525-Cauthorn, with SCS
14. SB 242-Kenney
15. SB 225-Mathewson,
with SCS
16. SB 180-Klarich
17. SB 583-Yeckel
18. SB 488-Klindt, et al,
with SCS
19. SB 387-Goode, et al,
with SCS

20. SB 455-Kinder, et al,
with SCS

21. SBs 334 & 228-Kinder,
with SCS

22. SB 469-Gross, et al

23. SB 546-Kenney, et al,
with SCS

24. SB 337-House and Kinder

25. SB 593-Klindt, with SCS

26. SB 509-Cauthorn and
Klindt

27. SBs 42 & 108-Kenney,
with SCS

28. SB 565-Staples INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 22 & 106-Singleton,
with SCS & SS for SCS
(pending)

SB 27-Johnson and
Westfall, with SCS, SS
for SCS & SA 1 (pending)

SBs 52 & 91-Childers, with
SCS and SA 3 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SBs 89 & 37-Kinder, with SCS

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SBs 247 & 330-Westfall

and Staples, with SCS

& SS for SCS (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SBs 347 & 487-Caskey,

with SCS (pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 &

SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SBs 433 & 248-Kinder and

Gross, with SCS, SS

for SCS & SA 2 (pending)

SB 438-Bentley and Stoll,

with SS & SA 3 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS
(Russell)

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) Reported from Committee

SCR 8-Caskey, with SA 2 (pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SCR 28-DePasco

SR 495-Klarich, with SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY--MONDAY, APRIL 9, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"A saint is one who walks when he walks, who talks when he talks, who does not dream while listening, who does not think while acting."
(Anonymous)

Gracious God, we gather once again to analyze what is before us. Let us be saintly in our attentiveness of what is presented to us and what is said for our discernment. Let us be fully alert to what is best for the people of this state and help us provide assistance that may improve legislation we are asked to pass. But to do so we need Your presence and guidance this week and therefore ask for Your blessings in this way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 5, 2001, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 519, regarding the Fortieth Anniversary of Rosary High School, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 520, regarding Skyler Joseph "Sky" Branham, Sappington, which was adopted.

Senator Dougherty offered Senate Resolution No. 521, regarding Margaret Vining, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 522, regarding the Sixtieth Wedding Anniversary of Mr. and Wilbur L. Taylor, Butler, which was adopted.

Senator Yeckel offered Senate Resolution No. 523, regarding Jonathan Jerald Carter, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 524, regarding Trevor Michael Yanske, Viburnum, which was adopted.

Senator Staples offered Senate Resolution No. 525, regarding Abraham Franciszek Timler, Viburnum, which was adopted.

Senator Staples offered Senate Resolution No. 526, regarding Marie Edgar, Potosi, which was adopted.

Senator Staples offered Senate Resolution No. 527, regarding Motorcycle Awareness and You Month, which was adopted.

Senator Klarich moved that **SR 495**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SR 495** was taken up.

President Pro Tem Kinder assumed the Chair.

Senator Klarich moved that **SCS** for **SR 495** be adopted.

At the request of Senator Klarich, the above motion was withdrawn, placing the resolution back on the Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 954**, entitled:

An Act to repeal sections 302.505, 302.510, 302.520, 302.541 and 302.545, RSMo 2000, and to enact in lieu thereof five new sections relating to license suspension and revocation procedures for persons under twenty-one years of age.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 881**, entitled:

An Act to repeal section 198.280, RSMo 2000, relating to nursing home districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 408**, entitled:

An Act to repeal section 214.030, RSMo 2000, relating to grave lot conveyances and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 897**, entitled:

An Act to repeal section 32.091, RSMo 2000, relating to motor vehicle records, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 933**, entitled:

An Act to repeal section 144.020, RSMo 2000, relating to the state sales tax, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 904**, entitled:

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330 and 252.333, RSMo 2000, relating to agroforestry, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 805**, entitled:

An Act to repeal sections 302.130 and 302.178, RSMo 2000, relating to driver's licenses, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 821**, entitled:

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to a University of Missouri program to assist organ transplant patients.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 644**, entitled:

An Act to repeal section 461.051, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

In which concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 922**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to annexation by certain cities.

In which concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 84**, entitled:

An Act to repeal section 50.334, RSMo 2000, relating to recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

In which concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 924, 714, 685, 756, 734 and 518**, entitled:

An Act to repeal sections 142.803, 144.440, 144.700, 144.805, 226.200, 227.100, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.505, 302.510, 302.520, 302.541, 577.010, 577.012 and 577.037, RSMo 2000, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and a referendum clause.

In which concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 351**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 351**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 351

An Act to repeal sections 488.5336, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150 and 590.180, RSMo 2000, relating to selection and training of peace officers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Singleton moved that **SCS** for **SB 351** be adopted.

Senator Singleton offered **SS** for **SCS** for **SB 351**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 351

An Act to repeal sections 57.010, 488.5336, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180 and 590.650, RSMo 2000, relating to selection and training of peace officers, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

Senator Singleton moved that **SS** for **SCS** for **SB 351** be adopted, which motion prevailed.

On motion of Senator Singleton, **SS** for **SCS** for **SB 351** was declared perfected and ordered printed.

SJR 1 and **SJR 4**, with **SCS**, were placed on the Informal Calendar.

Senator Singleton moved that **SB 22** and **SB 106**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 22** and **106** was again taken up.

At the request of Senator Singleton, **SS** for **SCS** for **SBs 22** and **106** was withdrawn.

Senator Singleton offered **SS No. 2** for **SCS** for **SBs 22** and **106**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 22 and 106

An Act to repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause for certain sections and a contingent termination date for a certain section.

Senator Singleton moved that **SS No. 2** for **SCS** for **SBs 22** and **106** be adopted, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Singleton, **SS No. 2** for **SCS** for **SBs 22** and **106** was declared perfected and ordered printed.

Senator Kinder moved that **SB 433** and **SB 248**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Caskey moved that the above amendment be adopted.

Senator Gross requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Childers, Foster, Kenney and Sims.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Childers	Dougherty
House	Jacob	Johnson	Quick
Russell	Schneider	Steelman	Westfall--12
NAYS--Senators			
Bentley	Cauthorn	Foster	Gibbons
Goode	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Scott	Sims	Singleton
Stoll	Wiggins	Yeckel--19	
Absent--Senators			
DePasco	Staples--2		
Absent with leave--Senator Carter--1			

Senator Steelman offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Page 1, Section 537.053.1, Lines 4-10, by striking section 537.053.1; and

Further amend said bill, line 11, by inserting at the beginning of said line the number "537.053." and by renumbering the remaining subsections accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Staples requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators DePasco, Gross, Kenney and Scott.

SA 3 failed of adoption by the following vote:

YEAS--Senators

Caskey	Dougherty	House	Jacob
Klarich	Schneider	Steelman	Stoll--8
	NAYS--Senators		
Bentley	Bland	Cauthorn	Childers
DePasco	Foster	Gibbons	Goode
Gross	Johnson	Kenney	Kinder
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel--23	
	Absent--Senators		
Quick	Sims--2		
	Absent with leave--Senator Carter--1		

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Pages 1 and 2, Section 537.053, Lines 4 to 23, by striking all of said lines and by inserting in lieu thereof the following:

"537.053. Any insurance company who sells liability insurance which provides coverage for dram shop liability as described in this section shall provide such coverage in a separate rider and charge a separate premium for such coverage. The rates for such insurance coverage shall be reviewed and approved by the director of the department of insurance."

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Gross moved that **SS** for **SCS** for **SBs 433** and **248**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **SBs 433** and **248**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HBs 754, 29, 300** and **505**--Education.

HCS for **HB 106**--Public Health and Welfare.

HS for **HJR 11**--Local Government and Economic Development.

HB 410--Local Government and Economic Development.

HCS for **HB 824**--Public Health and Welfare.

HB 825--Ways and Means.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Gene Scott, Franklin County.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-THIRD DAY-TUESDAY, APRIL 10, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 612-Ladd Baker

HB 954-Hosmer

HB 881-Scott, et al

HB 408-Kelley (47th)

HB 897-Kreider, et al

HB 933-Reid

HB 904-Merideth, et al

HB 805-Mayer and

Richardson

HB 821-Hosmer

HB 644-Burton

HB 922-Gaskill and

Bartelsmeyer

HB 84-Richardson

HS for HCS for HBs 924,

714, 685, 756, 734 &

518-Wiggins

THIRD READING OF SENATE BILLS

SCS for SB 60-Steelman

(In Budget Control)

SCS for SBs 69 & 458-Gross

(In Budget Control)

SS for SCS for SBs 323 &

230-Childers

SB 385-Mathewson

SS for SCS for SBs 214,

124, 209 & 322-Gross

(In Budget Control)

SCS for SBs 5 & 21-Wiggins, et al

SS for SCS for SB 372-Gibbons

SB 462-Westfall

SB 428-Loudon

SENATE BILLS FOR PERFECTION

1. SBs 510, 512 & 133-

Kenney, with SCS

2. SJR 11-Yeckel

3. SBs 551, 410, 539, 528
& 296-Sims, with SCS
4. SBs 476, 427 & 62-
Yeckel, et al, with SCS
5. SB 369-Steelman and
Stoll, with SCS
6. SB 505-Loudon, with SCS
7. SB 578-Goode and
Russell, with SCS
8. SBs 448 & 588-Sims,
et al, with SCS
9. SB 535-Rohrbach, with SCS
10. SB 66-Gibbons, with SCS#2
11. SB 525-Cauthorn, with SCS
12. SB 242-Kenney
13. SB 225-Mathewson,
with SCS
14. SB 180-Klarich
15. SB 583-Yeckel
16. SB 488-Klindt, et al,
with SCS
17. SB 387-Goode, et al,
with SCS
18. SB 455-Kinder, et al,
with SCS
19. SBs 334 & 228-Kinder,
with SCS

- 20. SB 469-Gross, et al
- 21. SB 546-Kenney, et al, with SCS
- 22. SB 337-House and Kinder
- 23. SB 593-Klindt, with SCS
- 24. SB 509-Cauthorn and Klindt
- 25. SBs 42 & 108-Kenney,
with SCS
- 26. SB 565-Staples

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SB 27-Johnson and
Westfall, with SCS, SS
for SCS & SA 1 (pending)
- SBs 52 & 91-Childers, with
SCS and SA 3 (pending)
- SB 65-Gibbons, with SCS
- SBs 67 & 40-Gross, with SCS
- SB 68-Gross and House
- SBs 89 & 37-Kinder, with SCS
- SB 99-Sims, with SCS
- SB 114-Loudon, with SCS,
SS for SCS & SA 1
(pending)
- SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with

SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SBs 247 & 330-Westfall

and Staples, with SCS

& SS for SCS (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SBs 347 & 487-Caskey,

with SCS (pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 &

SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS & SA 3 (pending)

SB 445-Singleton, with SCS

& SS for SCS (pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SJR 1 & 4-Schneider,

with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with SCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt (House)

SCR 28-DePasco

SR 495-Klarich, with SCS Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-THIRD DAY--TUESDAY, APRIL 10, 2001

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"From everyone to whom much has been given, much will be required; and from the one to whom much has been entrusted, even more will be demanded." (Luke 12:48)

Amazing Lord, You have blessed each of us with special gifts and abilities for which we are grateful but are especially reminded that since we have been given many talents and great capabilities much more is demanded of us. Let us always be mindful that the demands and responsibilities we feel comes as a result of the many blessings which You have given us. May we always use them in service to Your people and the caring for one another required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senators Scott and Staples offered Senate Resolution No. 528, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Leland Price, Bonne Terre, which was adopted.

Senator Stoll offered Senate Resolution No. 529, regarding Pauline M. "Polly" Chism, Jefferson County, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 530

WHEREAS, from time to time the members of the Missouri Senate are called upon to applaud the achievements realized by an outstanding group of talented young Missouri citizens; and

WHEREAS, the Jefferson City High School Cheerleaders have enjoyed the distinction of being named the 2000 Missouri State Cheerleading Champions, an accomplishment for which they will be honored by the Cheerleader Booster Club during the annual Cheerleaders Banquet on Thursday, April 19, 2001; and

WHEREAS, excitement filled the air when the Jefferson City High School Cheerleaders competed at the University of Missouri's Hearn Center against other Class 4A schools which placed in the top rank of their district; and

WHEREAS, Coach Julie Maassen and Team Captain Lindsay Rackers can take pride in the skill, finesse, and physical strength displayed by the cheerleaders in their quest to ignite the enthusiasm of the fans; and

WHEREAS, the Jefferson City High School Cheerleaders are known throughout the Capital City for their fantastic performances, mighty school spirit, and continual willingness to go above and beyond what is required to achieve excellence; and

WHEREAS, the cheerleaders, their sponsors, their families, and their many fans merit special commendation for proudly representing Jefferson City High School at the prestigious championship competition:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join the Jefferson City community in extending our most hearty congratulations and best wishes to the Jefferson City High School Cheerleaders for their triumphant First Place Finish in the 2000 Missouri State Cheerleading Championship; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Jefferson City High School.

Senator Wiggins offered Senator Resolution No. 531, regarding the death of George A. Rose, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 532, regarding the death of Ray F. Moseley, Jr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 533, regarding the death of Jay A. Wilcox, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 534, regarding the death of Stavroula "Stella" Stathopoulos, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **SCR 28** be taken up for adoption, which motion prevailed.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 28, Page 619 of the Senate Journal for Tuesday, April 3, 2001, Column 1, Line 16, by adding after "oil" "and for solar and other alternative fuel sources".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

On motion of Senator DePasco, **SCR 28**, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt

Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators		
Goode	House	Schneider--3	
	Absent--Senator Staples--1		
	Absent with leave--Senator Carter--1		

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SBs 214, 124, 209 and 322**; and **SCS** for **SB 60**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Rohrbach assumed the Chair.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 664**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 491**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 236**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 266**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 745**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 180**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 129**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 48**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 801**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS No. 2** for **SCS** for **SBs 22** and **106**; **SS** for **SCS** for **SB 351**; and **SS** for **SCS** for **SBs 433** and **248**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 89** and **SB 37**, with **SCS**, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 89** and **37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 89 and 37

An Act to repeal section 570.030, RSMo 2000, relating to crimes, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 89** and **37** be adopted.

Senator Westfall offered **SS** for **SCS** for **SBs 89** and **37**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 89 AND 37

An Act to repeal section 570.030, RSMo 2000, and to enact in lieu thereof three new sections relating to the manufacture of methamphetamine, with penalty provisions.

Senator Westfall moved that **SS** for **SCS** for **SBs 89** and **37** be adopted.

Senator Klarich offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 89 and 37, Page 1, Section A, Line 3, by inserting after all of said line the following:

"441.236. 1. In the event that any premises to be leased by a landlord is or was used as a site for methamphetamine production, the landlord shall disclose in writing to the tenant the fact that methamphetamine was produced on the premises, provided that the landlord had knowledge of such prior methamphetamine production. The landlord shall disclose any prior knowledge of methamphetamine production, regardless of whether the persons involved in the production were convicted for such production.

2. A landlord shall disclose in writing the fact that any premises to be leased by the landlord either was the place of residence of a person convicted of any of the following crimes, or was the storage site or laboratory for any of the substances for which a person was convicted of any of the following crimes, provided that the landlord knew or should have known of such convictions:

(1) Creation of a controlled substance in violation of section 195.420, RSMo;

(2) Possession of ephedrine with intent to manufacture methamphetamine in violation of section 195.246, RSMo;

(3) Unlawful use of drug paraphernalia with the intent to manufacture methamphetamine in violation of subsection 2 of section 195.233, RSMo;

(4) Endangering the welfare of a child by any of the means described in subdivision (4) or (5) of subsection 1 of section 568.045, RSMo; or

(5) Any other crime related to methamphetamine, its salts, optical isomers and salts of its optical isomers either in chapter 195, RSMo, or in any other provision of law.

442.606. 1. In the event that any parcel of real property to be sold, exchanged or transferred is or was used as a site for methamphetamine production, the seller or transferor shall disclose in writing to the buyer or transferee the fact that methamphetamine was produced on the premises, provided that the seller or transferor had knowledge of such prior methamphetamine production. The seller or transferor shall disclose any prior knowledge of methamphetamine production, regardless of whether the persons involved in the production were convicted for such production.

2. A seller or transferor of any parcel of real property shall disclose in writing the fact that any premises to be sold or transferred either was the place of residence of a person convicted of any of the following crimes, or was the storage site or laboratory for any of the substances for which a person was convicted of any of the following crimes, provided that the seller or transferor knew or should have known of such convictions:

(1) Creation of a controlled substance in violation of section 195.420, RSMo;

(2) Possession of ephedrine with intent to manufacture methamphetamine in violation of section 195.246, RSMo;

(3) Unlawful use of drug paraphernalia with the intent to manufacture methamphetamine in violation of subsection 2 of section 195.233, RSMo;

(4) Endangering the welfare of a child by any of the means described in subdivision (4) or (5) of subsection 1 of section 568.045, RSMo; or

(5) Any other crime related to methamphetamine, its salts, optical isomers and salts of its optical isomers either in chapter 195, RSMo, or in any other provision of law."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 89 and 37, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

"195.515. 1. Any manufacturer or wholesaler who sells, transfers, or otherwise furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts, optical isomers and salts of optical isomers, alone or in a mixture, and is required by federal law to report any suspicious transaction to the United States attorney general, shall submit a copy of the report to the chief law enforcement official with jurisdiction before completion of the sale or as soon as practicable thereafter.

2. As used in this section, "suspicious transaction" means any sale or transfer required to be reported pursuant to 21 U.S.C. 830(b)(1).

3. Any violation of this section shall be a class D felony.

195.518. 1. It is unlawful for any person to possess more than five grams of ephedrine, its salts, optical isomers and salts of optical isomers or more than twelve grams of pseudoephedrine, its salts, optical isomers and salts of optical isomers.

2. This section shall not apply to:

(1) Any pharmacist or other authorized person acting upon the prescription of a physician, dentist, podiatrist or veterinarian; or

(2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers, dispenses or furnishes a substance listed in subsection 1 of this section to his patients within the scope of his professional practice. Such administration or dispensing shall be recorded in the patient record; or

(3) Any pharmacy, retail outlet or retail distributor who possesses a sales and use tax permit issued by the department of revenue and who possesses such substances in the ordinary course of business; or

(4) Any person who lawfully manufactures or distributes or any wholesaler who sells, transfers or otherwise furnishes any substance listed in subsection 1 of this section to a licensed pharmacy, physician, dentist, podiatrist or veterinarian; or

(5) Any person in their home or residence under circumstances consistent with typical medicinal or household use as indicated by factors including, but not limited to, storage location and possession of products in a variety of strengths, brands, types, purposes and expiration dates.

3. A person who violates this section is guilty of a class D felony for the first offense, or a class C felony for a second or subsequent offense.

195.521. 1. It is unlawful for any person to sell, transfer, distribute or dispense any product containing ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts, optical isomers and salts of optical isomers, if the person knows that the purchaser will use the product as a precursor to manufacture

methamphetamine or other controlled substance or with reckless disregard as to how the product will be used.

2. A person who violates this section is guilty of a class D felony for the first offense, or a class C felony for the second or subsequent offense.

195.524. 1. It shall be unlawful for a retail distributor, or an employee thereof, to sell, transfer, or otherwise furnish, in a single transaction:

(1) More than three packages of one or more products that he knows to contain ephedrine, pseudoephedrine, or phenyl-propanolamine, their salts, isomers, or salts of isomers where the total quantity of the sale is greater than nine grams;

(2) Any single package of any product that he or she knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, which contains more than ninety-six pills, tablets, gelcaps, capsules, or other individual units where the total quantity of the sale is greater than nine grams;

(3) When sold in blister packs, more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine base, each blister containing not more than two dosage units, or if the use of a blister pack is technically infeasible, the drug is packaged in unit dose packets or pouches; or

(4) In the case of liquids, not more than three grams of ephedrine, pseudoephedrine, or phenyl-propanolamine base.

2. It shall be unlawful for any person, other than a person or entity described in subsection 1 of this section, to purchase, acquire or otherwise receive in a single transaction:

(1) More than three packages of one or more products that he or she knows to contain ephedrine, pseudoephedrine, or phenyl-propanolamine, their salts, isomers, or salts of isomers where the total quantity of the sale is greater than nine grams;

(2) Any single package of any product that he or she knows to contain ephedrine, pseudoephedrine, or phenylpropanolamine, which contains more than ninety-six pills, tablets, gelcaps, capsules, or other individual units where the total quantity of the sale is greater than nine grams; or

(3) More than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any such substances.

3. A violation of this section is a class A misdemeanor.

4. This section shall not apply to:

(1) Pediatric products primarily intended for administration to children under twelve years of age, according to label instructions, either:

(a) In solid dosage form whose individual dosage units do not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenyl-propanolamine; or

(b) In liquid form whose recommended dosage, according to label instructions, does not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per five milliliters of liquid product;

(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce;

(3) Products that the state department of health, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the

active ingredient into methamphetamine, or its salts or precursors;

(4) Products sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine base, and that is packaged in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches, where the total quantity of the sale is not greater than three packages or nine grams, whichever is smaller;

(5) In the case of liquids, a product sold in package sizes of not more than three grams ephedrine, pseudoephedrine or phenyl-propanolamine base, where the total quantity of the sale is not greater than three packages or nine grams, whichever is smaller.

5. As used in this section, the following terms mean:

(1) "Retail distributor", a grocery store, general merchandise store, drugstore, convenience store or other related entity, the activities of which, as a distributor of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine products, are limited exclusively to the sale of ephedrine, pseudoephedrine, phenylpropanolamine products for personal use both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales. Retail distributor shall include any person or entity that makes a direct sale or has knowledge of the sale, but does not include any manager, supervisor or owner not present and not otherwise aware of the sale, nor shall it include the parent company of that entity if the company is not involved in direct sales regulated by this chapter;

(2) "Sale for personal use", the sale in a single transaction to an individual customer for a legitimate medical use of a product containing ephedrine, pseudoephedrine, or phenyl-propanolamine in dosages at or below that specified in subsection 4 of this section. Sale for personal use also includes the sale of those products to employers to be dispensed to employees from first-aid kits or medicine chests.

6. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenyl-propanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 89 and 37, Page 2, Section 537.297, Line 12, by inserting after "owner" on said line: "**as it relates to the act of tampering**"; and further amend said section, line 16, by inserting after "**tamperer**"; "**as it relates to the act of tampering**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Westfall moved that SS for SCS for SBs 89 and 37, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, SS for SCS for SBs 89 and 37, as amended, was declared perfected and ordered printed.

Senator Westfall moved that SB 247 and SB 330, with SCS and SS for SCS (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SCS for SBs 247 and 330 was again taken up.

At the request of Senator Jacob, SS for SCS for SBs 247 and 330 was withdrawn.

SCS for SBs 247 and 330 was again taken up.

Senator Jacob offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 247 and 330, Page 7, Section 226.550, Line 1, by inserting immediately after "1." the following: "(1)"; and further amend line 15, by inserting immediately after "construction" the following:

"(2) On or after the effective date of this act, no new permits for outdoor advertising structures shall be issued unless the applicant voluntarily surrenders or revokes two or more existing outdoor advertising permits for each new permit until such time as the overall number of legally permitted and erected structures on Missouri's interstate, federal-aid primary highways as of June 1, 1991, and all highways designated as part of the national highway system by the National Highway Designation Act of 1995 is eleven thousand or less. The square footage of the new structure may not exceed the total square footage of the permits surrendered. This requirement shall not apply to permits for outdoor advertising structures which are less than one hundred square feet in size;

(3) Outdoor advertising permit holders who voluntarily or involuntarily surrender existing permits but do not seek to immediately obtain a new permit may receive credit for each outdoor advertising permit surrendered which may be used to obtain permits at any time during which subdivision (2) of this subsection is in effect;

(4) The Missouri highway and transportation commission shall publish and release an annual report indicating the overall number of permitted off-premise outdoor advertising structures on Missouri's interstate, federal-aid primary highways as of June 1, 1991, and all highways designated as part of the national highway system by the National Highway Designation Act of 1995. Said report shall indicate the number of signs as of July 1 of each calendar year and shall be publicly released by September 1 of each calendar year."

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Johnson, Mathewson and Sims.

SA 3 was adopted by the following vote:

YEAS--Senators			
Bentley	DePasco	Dougherty	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Mathewson	Quick
Schneider	Scott	Sims	Singleton
Stoll	Wiggins--18		
NAYS--Senators			
Caskey	Cauthorn	Childers	Foster
Gross	Klindt	Loudon	Rohrbach
Russell	Steelman	Westfall	Yeckel--12
Absent--Senators			
Bland	Klarich	Staples--3	
Absent with leave--Senator Carter--1			

At the request of Senator Westfall, SB 247 and SB 330, with SCS, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 218**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 954--Transportation.

HB 881--Aging, Families and Mental Health.

HB 408--Local Government and Economic Development.

HB 897--Transportation.

HB 933--Ways and Means.

HB 904--Agriculture, Conservation, Parks and Tourism.

HB 805--Transportation.

HB 821--Public Health and Welfare.

HB 644--Insurance and Housing.

HB 922--Local Government and Economic Development.

HB 84--Local Government and Economic Development.

HS for **HCS** for **HBs 924, 714, 685, 756, 734** and **518**--Transportation.

HS for **HB 612**--Aging, Families and Mental Health.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 535, regarding Andrew Geoffrey "Drew" Mirocke, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 536, regarding Dominic Anthony "Dom" Mirocke, Lee's Summit, which was adopted.

Senator Caskey offered Senate Resolution No. 537, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth E. Swaidner, Pattonsburg, which was adopted.

Senator Foster offered Senate Resolution No. 538, regarding the One Hundredth Birthday of Maggie Leoda Jackson, Senath, which was adopted.

Senator Foster offered Senate Resolution No. 539, regarding the Seventy-Fourth Wedding Anniversary of Mr. and Mrs. Loyd Carter, Bernie, which was adopted.

Senator House offered Senate Resolution No. 540, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John E. Moore, Warrenton, which was adopted.

THIRD READING OF SENATE BILLS

SCS for **SB 60**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 60

An Act to repeal sections 208.151, 376.1209, 660.050, 660.058, 660.250, 660.260 and 660.300, RSMo 2000, relating to certain health care services, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS** for **SB 60** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Russell
Schneider	Scott	Sims	Staples
Stelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Bentley	Quick	Singleton--3
	Absent with leave--Senator Carter--1	

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 323** and **230**, introduced by Senator Childers, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 323 and 230

An Act to repeal sections 67.1360, 67.1775 and 210.861, RSMo 2000, relating to the collection of sales tax revenue by certain political subdivisions, and to enact in lieu thereof twenty-six new sections relating to the same subject.

Was taken up.

On motion of Senator Childers, **SS** for **SCS** for **SBs 323** and **230** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Loudon--1

Absent--Senators

Bentley	Goode	Singleton--3
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 385, introduced by Senator Mathewson, entitled:

An Act to repeal sections 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210 and 326.230, RSMo 2000, relating to accountants, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Mathewson, **SB 385** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Gibbons	Jacob	Singleton--4
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Gross moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 214, 124, 209 and 322, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 214, 124, 209 and 322

An Act to repeal sections 556.036, 566.093, 573.037, 589.400 and 589.417, RSMo 2000, relating to sex offenders, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Gross, **SS for SCS for SBs 214, 124, 209 and 322** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Singleton--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SCS for SBs 5 and 21, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 5 and 21

An Act to repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 2000, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Wiggins.

On motion of Senator Wiggins, **SCS for SBs 5 and 21** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins--31	

NAYS--Senators--None

Absent--Senators

Singleton Yeckel--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 372**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 372

An Act to amend chapter 32, RSMo 2000, by adding thereto three new sections relating to assessment and collection procedures of the department of revenue.

Was taken up.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 372** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Singleton--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 462, introduced by Senator Westfall, entitled:

An Act to repeal sections 274.060 and 409.401, RSMo 2000, and to enact in lieu thereof two new sections relating to cooperative marketing associations.

Was taken up.

On motion of Senator Westfall, **SB 462** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Dougherty	Singleton--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Bentley moved that **SB 438**, with **SS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Foster, the above amendment was withdrawn.

Senator Foster offered **SS** for **SS** for **SB 438**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 438

An Act to repeal section 163.172, RSMo, and to enact in lieu thereof two new sections relating to elementary and

secondary education.

Senator Foster moved that ~~SS~~ for ~~SS~~ for **SB 438** be adopted.

Senator Kinder offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Bill No. 438, Page 10, Section 168.700, Line 28 of said page, by inserting after all said line the following:

"196.1053. The state attorney general shall have the authority to enter into an agreement with any company which manufactures, sells or promotes tobacco or tobacco products for recovery of attorneys' fees, costs and expenses contained in the master settlement agreement between the parties to the case State of Missouri ex rel. Nixon v. The American Tobacco Co., et al., pursuant to the provisions of sections 196.1053 to 196.1071.

196.1056. 1. There is hereby created in the state treasury the "Missouri Tobacco Settlement Attorney-Fee Trust Fund for Teacher Compensation".

2. The state treasurer shall deposit in the Missouri tobacco settlement attorney-fee trust fund for teacher compensation all moneys received by the state which are the proceeds of any award or settlement resulting from any and all attorneys' fees, costs and expenses paid pursuant to the settlement relating to the case of State of Missouri ex rel. Nixon v. The American Tobacco Co., et al., hereinafter referred to as "the tobacco case".

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys deposited in the Missouri tobacco settlement attorney-fee trust fund for teacher compensation, including any interest thereon, shall not revert to the credit of the general revenue fund at the end of the biennium.

4. The moneys deposited in the Missouri tobacco settlement attorney-fee trust fund for teacher compensation, including any interest thereon, shall not be appropriated by the general assembly until after July 1, 2002.

5. The commissioner of administration shall maintain data in an electronic format on receipts to and expenditures from the Missouri tobacco settlement attorney-fee trust fund for teacher compensation. Such data shall be updated at least quarterly, shall indicate expenditures by object type and class, and shall be available to the public on the Internet.

196.1059. 1. All persons seeking payment for legal services provided to the state in connection with litigation against any company which manufactures, sells or promotes tobacco or tobacco products shall zealously seek to obtain all attorneys' fees, costs and expenses on behalf of the state, its subcontractors, agents or assigns. All awards and settlements obtained by persons described in this section shall be deposited with the state treasurer until such time as the state provides reasonable attorneys' fees, costs and expenses.

2. Payments to special assistant attorney generals, their subcontractors, agents or assigns in connection with the litigation against any company which manufactures, sells or promotes tobacco products shall be made by the state of Missouri from the tobacco settlement attorney-fee trust fund for teacher compensation pursuant to the procedures outlined in sections 196.1050 to 196.1071.

196.1062. 1. The "Missouri Commission on Tobacco Attorney-Fee Compensation" is hereby established. The supreme court of Missouri shall provide clerical and administrative support to the commission.

2. The commission shall be composed of four members. Commission members shall be reimbursed for expenses. All members of the commission shall be members of the Missouri general assembly and shall be selected in the following manner:

(1) The speaker of the house of representatives shall select two members of the commission. The majority and

minority floor leaders of the house of representatives shall each submit a list of three names to the speaker. The speaker shall select one commission member from each list. The two committee members selected shall not be members of the same political party;

(2) The president pro tem of the senate shall select two members of the commission. The majority and minority floor leaders of the senate shall each submit a list of three names to the president pro tem. The president pro tem shall select one commission member from each list. The two committee members selected shall not be members of the same political party.

3. The members shall be appointed as soon as possible after the effective date of this act.

4. No business of this committee shall be conducted without at least three members present.

5. No money shall be paid to attorneys from the tobacco settlement attorney-fee trust fund for teacher compensation without the written opinion of a majority of the members of the Missouri commission on tobacco attorney-fee compensation.

196.1065. 1. All special assistant attorney generals, subcontracting attorneys, their agents and assigns shall submit written requests for payment of attorneys' fees, costs and expenses to the commission by December 31, 2001. All payment requests for attorneys' fees, costs and expenses received after December 31, 2001, shall not be considered by the commission.

2. Attorneys submitting requests for payment shall include a copy of their contracts for legal services, evidence of the hours worked on the case, expenses incurred, the aggregate fee amount requested, and shall submit a copy of the request for payment and supporting documentation to the attorney general.

196.1067. Within thirty days after receipt of each request for payment and supporting documentation, the attorney general shall file a written recommendation with the commission stating what constitutes a reasonable fee for the attorney applicant. Any commissioner may request and any attorney applying for fee payment shall provide any work product or any other evidence relating to the attorney's fee request.

196.1068. 1. The commission shall hold at least one public hearing concerning each attorney's request for compensation. Members of the public shall be allowed to make comments and submit payment proposals for attorneys' fees, costs and expenses.

2. Attorneys shall be awarded reasonable fees, but in no event to exceed five hundred dollars per hour. The sum of all commission awards shall not exceed the amount of money payable to the Missouri tobacco settlement attorney-fee trust fund for teacher compensation resulting from any and all attorneys' fees, costs and expenses relating to the tobacco case.

3. The commission shall determine the amounts to be awarded to all attorney applicants and a payment schedule by July 1, 2002, provided, however, that any payments appropriated in any year shall not exceed the amount deposited into the tobacco settlement attorney-fee trust fund for teacher compensation in the previous fiscal year less amounts appropriated pursuant to subsection 4 of this section.

4. After July 1, 2002, all money remaining in the tobacco settlement attorney-fee trust fund for teacher compensation shall be subject to appropriation by the general assembly for education. At least one million dollars annually may be appropriated for payments pursuant to section 168.700, RSMo, and at least thirty million dollars annually may be appropriated for payments pursuant to subsection 7 of section 163.172, RSMo.

196.1069. The lead special assistant attorney general in the tobacco case and any attorneys contracted by the lead special assistant attorney general in such case shall not accept any liquidated fee from any party defendant to the tobacco case. Any application for arbitration submitted by the lead special assistant attorney general in the tobacco case shall be null and void.

196.1070. If any fully adjudicated decision of any federal or state court finds the settlement in the tobacco case to be unlawful or unenforceable on antitrust, on constitutional or any other grounds, then:

- (1) The lead special assistant attorney general and any subcontracting counsel shall not receive any payments, and shall refund any payments previously received from the state;**
- (2) The contract entered into between the state and the lead special assistant attorney general in June, 1998, is declared null and void; and**
- (3) The attorney general shall apply to the general assembly for authority to appoint or contract with any special assistant attorneys general which he believes to be in the state's best interest.**

196.1071. If any provisions of sections 196.1050 to 196.1070 or the application thereof to anyone or to any circumstances is held invalid, the remainder of those sections and the application of such provisions to other circumstances shall not be affected thereby.

Section B. Because of the need to establish accounting for the tobacco settlement proceeds, the enactment of sections 196.1053, 196.1056, 196.1059, 196.1062, 196.1065, 196.1067, 196.1068, 196.1069, 196.1070 and 196.1071 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 196.1053, 196.1056, 196.1059, 196.1062, 196.1065, 196.1067, 196.1068, 196.1069, 196.1070 and 196.1071 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Kinder offered SSA 1 for SA 1:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Bill No. 438, Page 10, Section 168.700, Line 28 of said page, by inserting after all said line the following:

"196.1053. The state attorney general shall have the authority to enter into an agreement with any company which manufactures, sells or promotes tobacco or tobacco products for recovery of attorneys' fees, costs and expenses contained in the master settlement agreement between the parties to the case State of Missouri ex rel. Nixon v. The American Tobacco Co., et al., pursuant to the provisions of sections 196.1053 to 196.1071.

196.1056. 1. There is hereby created in the state treasury the "Missouri Tobacco Settlement Attorney-Fee Trust Fund for Teacher Compensation".

2. The state treasurer shall deposit in the Missouri tobacco settlement attorney-fee trust fund for teacher compensation all moneys received by the state which are the proceeds of any award or settlement resulting from any and all attorneys' fees, costs and expenses paid pursuant to the settlement relating to the case of State of Missouri ex rel. Nixon v. The American Tobacco Co., et al., hereinafter referred to as "the tobacco case".

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys deposited in the Missouri tobacco settlement attorney-fee trust fund for teacher compensation, including any interest thereon, shall not revert to the credit of the general revenue fund at the end of the biennium.

4. The moneys deposited in the Missouri tobacco settlement attorney-fee trust fund for teacher compensation, including any interest thereon, shall not be appropriated by the general assembly until after July 1, 2002.

5. The commissioner of administration shall maintain data in an electronic format on receipts to and expenditures from the Missouri tobacco settlement attorney-fee trust fund for teacher compensation. Such data shall be updated at least quarterly, shall indicate expenditures by object type and class, and shall be available to the public on the Internet.

196.1059. 1. All persons seeking payment for legal services provided to the state in connection with litigation against any company which manufactures, sells or promotes tobacco or tobacco products shall zealously seek to obtain all attorneys' fees, costs and expenses on behalf of the state, its subcontractors, agents or assigns. All awards and settlements obtained by persons described in this section shall be deposited with the state treasurer until such time as the state provides reasonable attorneys' fees, costs and expenses.

2. Payments to special assistant attorney generals, their subcontractors, agents or assigns in connection with the litigation against any company which manufactures, sells or promotes tobacco products shall be made by the state of Missouri from the tobacco settlement attorney-fee trust fund for teacher compensation pursuant to the procedures outlined in sections 196.1050 to 196.1071.

196.1062. 1. The "Missouri Commission on Tobacco Attorney-Fee Compensation" is hereby established. The supreme court of Missouri shall provide clerical and administrative support to the commission.

2. The commission shall be composed of four members. Commission members shall be reimbursed for expenses. All members of the commission shall be members of the Missouri general assembly and shall be selected in the following manner:

(1) The speaker of the house of representatives shall select two members of the commission. The majority and minority floor leaders of the house of representatives shall each submit a list of three names to the speaker. The speaker shall select one commission member from each list. The two committee members selected shall not be members of the same political party;

(2) The president pro tem of the senate shall select two members of the commission. The majority and minority floor leaders of the senate shall each submit a list of three names to the president pro tem. The president pro tem shall select one commission member from each list. The two committee members selected shall not be members of the same political party.

3. The members shall be appointed as soon as possible after the effective date of this act.

4. No business of this committee shall be conducted without at least three members present.

5. No money shall be paid to attorneys from the tobacco settlement attorney-fee trust fund for teacher compensation without the written opinion of a majority of the members of the Missouri commission on tobacco attorney-fee compensation.

196.1065. 1. All special assistant attorney generals, subcontracting attorneys, their agents and assigns shall submit written requests for payment of attorneys' fees, costs and expenses to the commission by December 31, 2001. All payment requests for attorneys' fees, costs and expenses received after December 31, 2001, shall not be considered by the commission.

2. Attorneys submitting requests for payment shall include a copy of their contracts for legal services, evidence of the hours worked on the case, expenses incurred, the aggregate fee amount requested, and shall submit a copy of the request for payment and supporting documentation to the attorney general.

196.1067. Within thirty days after receipt of each request for payment and supporting documentation, the attorney general shall file a written recommendation with the commission stating what constitutes a reasonable fee for the attorney applicant. Any commissioner may request and any attorney applying for fee payment shall provide any work product or any other evidence relating to the attorney's fee request.

196.1068. 1. The commission shall hold at least one public hearing concerning each attorney's request for compensation. Members of the public shall be allowed to make comments and submit payment proposals for attorneys' fees, costs and expenses.

2. Attorneys shall be awarded reasonable fees not to exceed the arbitration amount. The sum of all commission awards shall not exceed the amount of money payable to the Missouri tobacco settlement attorney-fee trust fund for teacher compensation resulting from any and all attorneys' fees, costs and expenses relating to the tobacco case.

3. The commission shall determine the amounts to be awarded to all attorney applicants and a payment schedule by July 1, 2002, provided, however, that any payments appropriated in any year shall not exceed the amount deposited into the tobacco settlement attorney-fee trust fund for teacher compensation in the previous fiscal year less amounts appropriated pursuant to subsection 4 of this section.

4. After July 1, 2002, all money remaining in the tobacco settlement attorney-fee trust fund for teacher compensation shall be subject to appropriation by the general assembly for education. At least one million dollars annually may be appropriated for payments pursuant to section 168.700, RSMo, and at least thirty million dollars annually may be appropriated for payments pursuant to subsection 7 of section 163.172, RSMo.

196.1069. The lead special assistant attorney general in the tobacco case and any attorneys contracted by the lead special assistant attorney general in such case shall not accept any liquidated fee from any party defendant to the tobacco case. Any application for arbitration submitted by the lead special assistant attorney general in the tobacco case shall be null and void.

196.1070. If any fully adjudicated decision of any federal or state court finds the settlement in the tobacco case to be unlawful or unenforceable on antitrust, on constitutional or any other grounds, then:

(1) The lead special assistant attorney general and any subcontracting counsel shall not receive any payments, and shall refund any payments previously received from the state;

(2) The contract entered into between the state and the lead special assistant attorney general in June, 1998, is declared null and void; and

(3) The attorney general shall apply to the general assembly for authority to appoint or contract with any special assistant attorneys general which he believes to be in the state's best interest.

196.1071. If any provisions of sections 196.1050 to 196.1070 or the application thereof to anyone or to any circumstances is held invalid, the remainder of those sections and the application of such provisions to other circumstances shall not be affected thereby.

Section B. Because of the need to establish accounting for the tobacco settlement proceeds, the enactment of sections 196.1053, 196.1056, 196.1059, 196.1062, 196.1065, 196.1067, 196.1068, 196.1069, 196.1070 and 196.1071 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 196.1053, 196.1056, 196.1059, 196.1062, 196.1065, 196.1067, 196.1068, 196.1069, 196.1070 and 196.1071 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above substitute amendment be adopted.

Senator House raised the point of order that **SSA 1** for **SA 1** is out of order, as it is not germane to the underlying bill.

The point of order was referred to the President Pro Tem.

Senator Gibbons assumed the Chair.

President Maxwell assumed the Chair.

President Pro Tem Kinder took the pending point of order on **SSA 1** for **SA 1** to **SS** for **SS** for **SB 438** under advisement, which placed the bill back on the Informal Calendar.

Senator Schneider was recognized to interrogate Senator Kinder.

Senator Mathewson raised the point of order that the debate between Senators Kinder and Schneider was out of order, as there was no pending issue before the body, the point of order having been taken under advisement.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Westfall moved that **SB 247** and **SB 330**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 247 and 330, Page 9, Section 226.585, Line 6, by deleting all new language on said line through line 8. And further remove brackets on line 12 and adding period "." after word "**permission**" and further delete bold word "permit."

Senator Singleton moved that the above amendment be adopted.

Senator Westfall raised the point of order that **SA 4** is out of order as it attempts to amend previously amended material.

The point of order was referred to the President Pro Tem.

At the request of Senator Singleton, **SA 4** was withdrawn, rendering the point of order moot.

Senator Westfall moved that **SCS** for **SBs 247** and **330**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **SBs 247** and **330**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 347** and **SB 487**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 347** and **487** was again taken up.

Senator Caskey moved that **SCS** for **SBs 347** and **487** be adopted.

Senator Yeckel offered **SS** for **SCS** for **SBs 347** and **487**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 347 AND 487

An Act to repeal section 137.100, RSMo 2000, relating to assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject.

Senator Yeckel moved that **SS** for **SCS** for **SBs 347** and **487** be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SCS** for **SBs 347** and **487** was declared perfected and ordered printed.

Senator Childers moved that **SB 52** and **SB 91**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 8, Section 301.010, Line 268, by inserting after all of said line the following:

"301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a

collector's item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, if such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

3. The director shall issue to the owner of any motor vehicle registered pursuant to this section the same number of license plates which would be issued with a regular annual registration, containing the number assigned to the registration certificate issued by the director of revenue. [Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The advisory committee established in section 301.129 shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that] Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Historic vehicles may be driven to and from repair facilities one hundred miles from the vehicle's location, and in addition may be driven up to one thousand miles per year for personal use. The owner of the historic vehicle shall be responsible for keeping a log of the miles driven for personal use each calendar year. Such log must be kept in the historic vehicle when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique auto tour or event and mileage driven to and from such a tour or event shall not be considered mileage driven for the purpose of the mileage limitations in this section. Violation of this section is a class C misdemeanor and in addition to any other penalties prescribed by law, upon conviction thereof, the director of revenue shall revoke the historic motor vehicle license plates of such violator which were issued pursuant to this section.

5. Notwithstanding any provisions of this section to the contrary, any person possessing a license plate issued by the state of Missouri [prior to 1979] **that is over twenty-five years old**, in which the year of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the owner of the vehicle may register such plate as [a personalized plate by following the procedures for personalized license plate registration and paying the same fees as prescribed in section 301.144] **an historic vehicle plate as set forth in subsections 1 and 2 of this section, provided that the configuration of letters, numbers or combination of letters and numbers of such plate are not identical to the configuration of letters, numbers or combination of letters and numbers of any plates already issued to an owner by the director**. Such license plate shall not be required to possess the characteristic features of reflective

material and common color scheme and design as prescribed in section 301.130. **The owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of registration in the vehicle at all times. The certificate of registration shall be prima facie evidence that the vehicle has been properly registered with the director and that all fees have been paid.**"; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 9, Section 304.001, Line 6, by inserting after "operational" the following: **"or any motor vehicle involved in an accident whereby a law enforcement official requests such vehicle to be removed from the scene"**.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 25, Section 307.375, Line 53, by inserting after all of said line the following:

"577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or

(2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; [or]

(4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater[.];

(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance of a Uniform Traffic Ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances; or

(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality.

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to [him] **such person**.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.";and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Singleton assumed the Chair.

Senator Dougherty offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 1, Section A, Line 4, by inserting after all of said line the following:

"54.247. Any city not within a county may, by ordinance, permit the city's treasurer's office to issue citations for violations of the city's moving traffic ordinances."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dougherty, **SA 7** was withdrawn.

Senator Gross offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 8, Section 301.010, Line 268, by inserting after all of said line the following:

"302.130. 1. Any person at least fifteen years of age who, except for age or lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for and the director shall issue a temporary instruction permit entitling the applicant, while having such permit in the applicant's immediate possession, to drive a motor vehicle of the appropriate class upon the highways for a period of twelve months, but any such person, except when operating a motorcycle or motortricycle, must be accompanied by a licensed operator for the type of motor vehicle being operated who is actually occupying a seat beside the driver for the purpose of giving instruction in driving the motor vehicle, who is at least twenty-one years of age, and in the case of any driver under sixteen years of age, the licensed operator occupying the seat beside the driver shall be a grandparent, parent [or], guardian, **a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education program** who has a valid driver's license. Beginning January 1, 2001, an applicant for a temporary instruction permit shall successfully complete a vision test and a test of the applicant's ability to understand highway signs which regulate, warn or direct traffic and practical knowledge of the traffic laws of this state, pursuant to section 302.173. In addition, beginning January 1, 2001, no permit shall be granted pursuant to this subsection unless a parent or legal guardian gives written permission by signing the application and in so signing, state they, or their designee as set forth in subsection 2 of this section, will **either** provide a minimum of twenty hours of behind-the-wheel driving instruction, **or ensure that the applicant completes a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or by a qualified instructor of a private drivers' education program.**

2. In the event the parent, grandparent or guardian of the person under sixteen years of age has a physical disability which prohibits or disqualifies said parent, grandparent or guardian from being a qualified licensed operator pursuant to this section, said parent, grandparent or guardian may designate a maximum of two individuals authorized to accompany the applicant for the purpose of giving instruction in driving the motor vehicle. An authorized designee must be a licensed operator for the type of motor vehicle being operated and have attained twenty-one years of age. At least one of the designees must occupy the seat beside the applicant while giving instruction in driving the motor vehicle. The name of the authorized designees must be provided to the department of revenue by the parent, grandparent or guardian at the time of application for the temporary instruction permit. The name of each authorized designee shall be printed on the temporary instruction permit, however, the director may delay the time at which permits are printed bearing such names until the inventories of blank permits and related forms existing on August 28, 1998, are exhausted.

3. The director, upon proper application on a form prescribed by the director, in his or her discretion, may issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a high school driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education even though the applicant has not reached the age of sixteen years but has passed the age of fifteen years. Such instruction permit shall entitle the applicant, when the applicant has such permit in his or her immediate possession, to operate a motor vehicle on the highways, but only when a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the state department of elementary and secondary education is occupying a seat beside the driver.

4. The director, in his or her discretion, may issue a temporary driver's permit to an applicant who is otherwise qualified for a license permitting the applicant to operate a motor vehicle while the director is completing the director's investigation and determination of all facts relative to such applicant's rights to receive a license. Such permit must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

5. A person at least fifteen years of age may operate a motor vehicle as part of a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education or a qualified instructor of a private drivers' education

program.

6. The director may adopt rules and regulations necessary to carry out the provisions of this section.

302.178. 1. Beginning January 1, 2001, any person between the ages of sixteen and eighteen years who is qualified to obtain a license pursuant to sections 302.010 to 302.340, may apply for, and the director shall issue, an intermediate driver's license entitling the applicant, while having such license in his or her possession, to operate a motor vehicle of the appropriate class upon the highways of this state in conjunction with the requirements of this section. An intermediate driver's license shall be readily distinguishable from a license issued to those over the age of eighteen. All applicants for an intermediate driver's license shall:

- (1) Successfully complete the examination required by section 302.173;
 - (2) Pay the fee required by subsection 3 of this section;
 - (3) Have had a temporary instruction permit issued pursuant to subsection 1 of section 302.130 for at least a six-month period or a valid license from another state; and
 - (4) Have a parent, grandparent or legal guardian sign the application stating that the applicant has **either completed a driver training program taught by a driver training instructor holding a valid driver education endorsement on a teaching certificate issued by the department of elementary and secondary education, or by a qualified instructor of a private drivers' education program, or** at least twenty hours of supervised driving experience under a temporary instruction permit issued pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the person over twenty-one years of age who supervised such driving. For purposes of this section, the term "emancipated minor" means a person who is at least sixteen years of age, but less than eighteen years of age, who:
 - (a) Marries with the consent of the legal custodial parent or legal guardian pursuant to section 451.080, RSMo;
 - (b) Has been declared emancipated by a court of competent jurisdiction;
 - (c) Enters active duty in the armed forces;
 - (d) Has written consent to the emancipation from the custodial parent or legal guardian; or
 - (e) Through employment or other means provides for such person's own food, shelter and other cost-of-living expenses;
 - (5) Have had no alcohol-related enforcement contacts as defined in section 302.525 during the preceding twelve months; and
 - (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to section 302.302, within the preceding six months.
2. An intermediate driver's license grants the licensee the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177, except that no person shall operate a motor vehicle on the highways of this state under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director by regulation. Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle.
3. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an intermediate driver's license shall be five dollars and such license shall be valid for a period of two years.

4. Any intermediate driver's licensee accumulating six or more points in a twelve-month period may be required to participate in and successfully complete a driver-improvement program approved by the director of the department of public safety. The driver-improvement program ordered by the director of revenue shall not be used in lieu of point assessment.

5. (1) An intermediate driver's licensee who has, for the preceding twelve-month period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no traffic convictions for which points are assessed, upon reaching the age of eighteen years may apply for and receive without further examination, other than a vision test as prescribed by section 302.173, a license issued pursuant to this chapter granting full driving privileges. Such person shall pay the required fee for such license as prescribed in section 302.177.

(2) The director of revenue shall deny an application for a full driver's license until the person has had no traffic convictions for which points are assessed for a period of twelve months prior to the date of application for license or until the person is eligible to apply for a six-year driver's license as provided for in section 302.177, provided the applicant is otherwise eligible for full driving privileges. An intermediate driver's license shall expire when the licensee is eligible and receives a full driver's license as prescribed in subdivision (1) of this section.

6. No person upon reaching the age of eighteen years whose intermediate driver's license and driving privilege is denied, suspended, canceled or revoked in this state or any other state, for any reason may apply for a full driver's license until such license or driving privilege is fully reinstated. Any such person whose intermediate driver's license has been revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of reinstatement of the revocation from the director, pass the complete driver examination, apply for a new license, and pay the proper fee before again operating a motor vehicle upon the highways of this state.

7. A person shall be exempt from the intermediate licensing requirements if the person has reached the age of eighteen years and meets all other licensing requirements.

8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.";

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 8, Section 301.010, Line 268, by inserting after all of said line the following:

"301.041. 1. All commercial motor vehicles and trailers **registered pursuant to this section or** to be operated under agreements as provided for in sections 301.271 to 301.279 shall be registered annually.

2. An application for renewal registration under this section shall be made with all required documents on or before October first of each year. Renewal applications received after October first shall be assessed a penalty of one hundred dollars. The director or his designee may waive the penalty under this subsection for good cause.

3. Fees for commercial motor vehicles **and trailers** renewed [under] **pursuant to** this section shall be paid no later than December first of each year except for payments made on an installment basis as provided in subsection 4 of this section. Renewal application fees not paid by December first shall be assessed a penalty of fifty dollars per vehicle,

but in no case shall such penalty exceed one hundred fifty dollars per application. The director or his designee may, for good cause, waive or reduce any penalties assessed under this subsection.

4. Any owner of a commercial motor vehicle or trailer operated [under] **pursuant to this section or** agreements provided in sections 301.271 to 301.279 may elect to pay the **Missouri portion of the** annual registration fee in two equal installments, except that no such installment shall be less than one hundred dollars. The first installment shall be payable on or before December first, and the second installment shall be payable on or before June first of that registration year. Every owner electing to pay on an installment basis shall file with the director of the department of revenue, on or before December first, a surety bond, certificate of deposit or irrevocable letter of credit as defined in section 400.5-103, RSMo, to guarantee the payment of the second installment. The bond or certificate or letter of credit shall be in an amount equal to the payment guaranteed.

5. If a new application for registration of a commercial vehicle **or trailer** is made other than as specified in subsection 1 of this section, the registration fee shall be prorated as follows:

(1) For applications made between April first and June thirtieth, the applicant shall pay three-fourths of the annual registration fee;

(2) For applications made between July first and September thirtieth, the applicant shall pay one-half of the annual registration fee; and

(3) For applications made after October first of the current registration year, the applicant shall pay one-fourth of the annual registration fee.

6. Any applicant who fails to timely renew his registration with all required documents [under] **pursuant to this section or** who fails to timely pay any fees and penalties owed under this section shall not be issued a temporary registration **for a motor vehicle or a trailer issued pursuant to this section or** under agreements as provided for in sections 301.271 and 301.279. Nothing in this section shall prohibit the issuance of temporary registration credentials for additions to the registrant's fleet subsequent to renewal.

7. The applicant for registration under this section shall affix the registration plate issued by the director to the front of the vehicle in accordance with the provisions of section 301.130. Any vehicle required to be registered under this section shall display the plate issued to that vehicle no later than December thirty-first of each year. Failure to display the registration plates required by this section shall constitute a class A misdemeanor.

8. The director of revenue may prescribe rules and regulations for the effective administration of this section.

9. Any current registration or plate for which all fees have been paid for a commercial trailer previously issued pursuant to agreements provided for in section 301.271 and 301.277 shall remain valid even if such agreements no longer require apportionment of such trailers under such agreements, and such trailers may continue to be registered pursuant to this section.

10. Notwithstanding any other law to the contrary, the highway reciprocity commission shall have the authority pursuant to this chapter to issue permanent and temporary registrations on commercial trailers whether or not the registration is issued pursuant to agreements as provided in sections 301.271 to 301.279. The provisions of section 301.190 shall not apply to registrations issued pursuant to this subsection, provided the carrier or person to whom the registration is issued has at least one tractor as defined in section 301.010.

11. Commercial trailer plates issued pursuant to this section shall in all other respects conform to and have the same requirements as those issued pursuant to section 301.067. Such plates may contain the legend "HRC" OR "TLR" in preference to the words "Show-Me-State".

301.121. 1. When the owner of a commercial motor vehicle registered in excess of fifty-four thousand pounds returns the license plates to the director of revenue as provided in section 301.120, but not for a license suspension or revocation, he shall receive a refund or credit of any pro rata amount to be determined by the calendar quarters

remaining before expiration of the license plates. Such refund or credit shall be granted based upon the date the license plates are surrendered to the director of revenue. Any credit or refund may be applied toward any subsequent application for a Missouri registration only if a commercial motor vehicle. Any refunded portion of a registration fee which was distributed according to the provisions of article IV, section 30(b) of the Constitution of Missouri shall be refunded proportionately from state, city and county funds.

2. When the owner of a commercial motor vehicle registered in excess of fifty-four thousand pounds returns the license plate or plates to the appropriate official in the state where the license plate for the commercial motor vehicle was issued, a refund or credit shall be issued by the director of revenue as provided in subsection 1 of this section. **If the refund is to come from moneys previously transferred to another state by this state as a result of a reciprocity agreement, such refund by the director of revenue may only be made upon return of such moneys from that state to the director. If such moneys are not returned by that state, such refund will not be made.**

301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided herein. Each set of license plates shall bear the name or abbreviated name of this state, the words "Show-Me State", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "Show-Me State" and special plates for members of the national guard will have the "NATIONAL GUARD" wording in preference to the words "Show-Me State".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration.

3. The background of all license plates, or the letters and numerals thereof, shall be coated with a material which will reflect the lights of other vehicles. The nature and specifications of this material shall be determined after a public hearing by the director of revenue, director of prison industries, and superintendent of the state highway patrol, and shall meet the standards established by the state transportation department.

4. Figures on license plates, except those which may be used to designate gross weights for which commercial motor vehicles are registered, shall not be less than three inches in height and the strokes thereof not less than five-sixteenths of an inch in width. In the case of motorcycles and motortricycles, the letters and figures shall be not less than one inch in height and the strokes thereof one-eighth of an inch in width. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

5. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, but only one license plate shall be issued for each such vehicle.

6. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the number, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

7. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the

front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

8. (1) The director of revenue shall issue annually a tab or set of tabs as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates; except that the director shall annually issue a new license plate or set of plates as provided in this section for vehicles registered pursuant to subsection 2 of section 301.277, commercial motor vehicles in excess of twelve thousand pounds, trailers, buses and dealers.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs on the middle of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as provided in subdivision (1) of this subsection, the director of revenue shall issue plates for a period of at least five years.

(5) For those commercial motor vehicles **and trailers** registered pursuant to [an agreement under section 301.277] **section 301.041**, the plate issued by the director of revenue shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered under this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the director of revenue upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highway reciprocity commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the director of revenue shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the director and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highway reciprocity commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

9. The director of revenue may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

[301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided in this section. Unless otherwise provided by law, each license plate or set of license plates issued, renewed or replaced on or after January 1, 1997, shall contain the following:

(1) The name or abbreviated name of this state;

(2) The words "Show-Me State";

(3) The month and year in which the registration shall expire;

(4) An arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue; and

(5) Fully reflective material with a common color scheme and design for each type of license plate issued under this chapter, which shall be designated by an advisory committee established in section 301.129. The license plates shall be clearly visible at night, and shall be aesthetically attractive. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire between January 1, 1997, and December 31, 1997, applicants for registration of trailers or semitrailers with license plates that expire between January 1, 1997, and December 31, 1999, and applicants for registration of vehicles that are to be issued new license plates shall pay an additional fee of up to two dollars and twenty-five cents, based on the actual cost of the reissuance, to cover the cost of the fully reflective plates required by this subsection. Notwithstanding the provisions of subsection 3 of section 301.067 to the contrary, every license plate for a trailer or semitrailer which is permanently registered under subsection 3 of section 301.067 shall be returned to the director of revenue between January 1, 1997, and December 31, 1997, and a license plate which conforms to the provisions of this subsection issued as a replacement plate upon the payment of a one dollar and fifteen cent fee per plate prescribed by this subdivision. The additional fee, based on the actual cost, prescribed by this subdivision shall only be one dollar and fifteen cents for issuance of one new plate for vehicles requiring only one license plate pursuant to subsection 5 or 7 of this section. The additional fee of two dollars and twenty-five cents prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443. The department of revenue shall adopt a program whereby all motor vehicle registrations renewed on or after January 1, 1997, will have replacement reflective plates issued for such registration prior to January 1, 2000. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "Show-Me State" and special plates for members of the national guard will have the "NATIONAL GUARD" wording in preference to the words "Show-Me State". Veterans' plates shall have a white background with a blue and red configuration at the discretion of the advisory committee established in section 301.129.

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration.

3. The competitive bidding process used to select a vendor for the material to manufacture the license plates shall consider the aesthetic appearance of the plates and the reflective illumination capability for safety reasons. The advisory committee established in section 301.129 shall adopt specifications for all reflective material. The competitive bidding request for proposal shall contain a deduction in the amount of twenty-eight cents per plate from the cost of the reflective sheeting. The committee may select graphic designs or any of the plate processes approved on January 1, 1997.

4. Figures on license plates, except those which may be used to designate gross weights for which commercial motor vehicles are registered, shall be of a size set by the advisory committee established in section 301.129. In the case of motorcycles, motortricycles and trailers that are pulled by motorcycles or motortricycles, the letters and figures shall be of a size set by the advisory committee. The advisory committee may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

5. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, but only one license plate shall be issued for each such vehicle, except as provided in this subsection. The applicant for registration of any property-carrying commercial motor vehicle to be registered at a gross weight in excess of twelve thousand pounds or passenger-carrying commercial motor vehicle may request and be issued two license plates for such vehicle, and if such plates are issued, the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

6. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the number, and the advisory committee may require the placement upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

7. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the

license plate or set of license plates issued by the director of revenue and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up, or if two plates are issued for the vehicle pursuant to subsection 5 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

8. (1) The director of revenue shall issue annually a tab or set of tabs as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as provided in subdivision (1) of this subsection, the director of revenue shall issue plates for a period of at least five years.

(5) For those commercial motor vehicles registered pursuant to an agreement under section 301.277, the plate issued by the director of revenue shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered under this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the director of revenue upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highway reciprocity commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the director of revenue shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the director and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highway reciprocity commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

9. The director of revenue may prescribe rules and regulations for the effective administration of this section.

10. Any rule or portion of a rule promulgated pursuant to this section may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor.]" ; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Childers offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 22, Section 304.580, Line 20, by inserting immediately after the words "**two or**" the following: "**more**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 14, Section 304.022, Line 73, by inserting after all of said line the following:

"304.035. 1. When any person driving a vehicle approaches a railroad grade crossing, the driver of the vehicle shall operate the vehicle in a manner so he will be able to stop, and he shall stop the vehicle not less than fifteen feet and not more than fifty feet from the nearest rail of the railroad track and shall not proceed until he can safely do so if:

(1) A clearly visible electric or mechanical signal device warns of the approach of a railroad train; or

(2) A crossing gate is lowered or when a human flagman gives or continues to give a signal or warning of the approach or passage of a railroad train; or

(3) An approaching railroad train is visible and is in hazardous proximity to such crossing; or

(4) Any other traffic sign, device or any other act, rule, regulation or statute requires a vehicle to stop at a railroad grade crossing.

2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing when a train is approaching while such gate or barrier is closed or is being opened or closed.

3. No person shall drive a vehicle through a railroad crossing when there is not sufficient space to drive completely through the crossing.

4. No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing.

[3.] **5. Any person violating the provisions of this section is guilty of a class C misdemeanor."**; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Childers moved that **SCS** for **SBs 52** and **91**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SBs 52** and **91**, as amended, was declared perfected and ordered printed.

Senator Kenney moved that **SB 510**, **SB 512** and **SB 133**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 510**, **512** and **133**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 510, 512 and 133

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420 and 167.349, RSMo 2000, relating to charter schools, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Kenney moved that **SCS** for **SBs 510, 512 and 133** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 510, 512, and 133, Page 2, Section 160.400, Line 16, by adding immediately before said line the following;

"(4) The mayor of any city which contains any portion of a school district in which charter schools may be operated." and

Further amend the subsection lines accordingly and further amend said bill, section 160.405, page 5, line 42, by adding after the "." the following:

"If application for a proposed charter has been submitted to a mayor then the mayor may request an advisory opinion from the department of elementary and secondary education regarding compliance with this section. If so requested, the department of elementary and secondary education shall render said advisory opinion within 45 days unless otherwise authorized by the mayor making said request." and

Further amend said bill, same section, page 8, line 152, by adding before said line the following;

"8. If the sponsor of a charter school is a mayor, then said mayor may request the department of elementary and secondary education, any institution which is authorized to grant a charter or a four-year college or university with which the charter school is legally authorized to affiliate, to oversee the performance of the charter school pursuant to this section. The department of elementary and secondary education shall comply with said request in a timely fashion. If any institution or organization other than the department of elementary or secondary education agrees to provide services for such oversight then said institution or organization shall comply with all applicable laws to be a sponsor in addition to other agreed to terms and conditions."; and

Further amend the subsection numbers accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Kenney, **SB 510, SB 512, and SB 133**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 541, regarding the Twenty-fifth Wedding Anniversary of State Representative and Mrs. Gary Wiggins, New Cambria, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

April 9, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Mike Gibbons to serve on the Board of Directors of the Missouri Technology Corporation (RSMo 348.256).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Tyler and Jacob Dazey and Justin and Kyle Russavage, Homeschoolers from St. Clair; and Tyler, Jacob, Justin and Kyle were made honorary pages.

Senator Cauthorn introduced to the Senate, Nancy Early and Candy Parker, Mexico.

Senator Bentley introduced to the Senate, Crystal Emel and Charles Jensen, Springfield.

On behalf of Senators Dougherty and Kinder, the President introduced to the Senate, former State Senator, Congressman William L. Clay, Jr., St. Louis.

Senator Klarich introduced to the Senate, twenty-four fourth grade students from Linda Vista School, Chesterfield.

Senator Steelman introduced to the Senate, Dawn and Bryan Scheiderer, Rolla.

Senator Cauthorn introduced to the Senate, Michael Klein and Lieutenant Ron Key, Hannibal.

Senator Klindt introduced to the Senate, teachers and seventeen third and fourth grade students from Newtown Harris R-III School, Newtown.

Senator Gibbons introduced to the Senate, parents, teachers and one hundred fifth grade students from Barretts School, St. Louis County; and Austin Portman, Ali Yeck, Danny Heagney, Tim Allen, Lindsay Harper, Crystal Ellison, Paul Dalba and Shanai Thedford were made honorary pages.

Senator Childers introduced to the Senate, students from Cassville Schools, Cassville.

Senator Gross introduced to the Senate, his wife, Leslie, and their daughters, Megan and Madelynn; Robin, Kyle and Shannon Stross; John, Anna and Bailey Trask; Jean, Lauren and Erin Bondy; Stephanie, Nichole and Joshua Finke; and Bill and Sarah Dunham; and fourth grade students from Null Elementary School, St. Charles; and Megan, Madelynn, Kyle, Shannon, Anna, Bailey, Lauren, Erin, Nichole, Joshua and Sarah were made honorary pages.

Senator Caskey introduced to the Senate, Michelle Hough, Butler High School; Michael Norton, Rich Hill High

School; Rachel Morgan, Miami High School; Katie Jones, Ballard High School; Maria Burhart, Adrian High School; and Derek Clark, Hume High School; and Michelle, Michael, Rachel, Katie, Maria and Derek were made honorary pages.

Senator Russell introduced to the Senate, Marsha Mackie, Mary Jane Mottesheard and members of the Sophomore Pilgrimage from Marshfield; and Maggie Gann and Melissa Yahn were made honorary pages.

Senator Staples introduced to the Senate, Leanne Turner, Betty Morris and Billie Rae Mooney, Thayer; Heather Dillsaver, Koshkonong; and Chrissi Strickland, Couch; and Leanne, Heather and Chrissi were made honorary pages.

Senator Wiggins introduced to the Senate, Mrs. Kay Caskey, Butler.

Senator Kenney introduced to the Senate, Bill Bennet, Jim and Marcy Carter, Russ and Dorothy Liggitt, Harold Hendrick, John Gerringer, Jim and Sandi Savage, Prentis and Jo Ellen Woods, Alfonso Webb, Doyle Snead, Jerry Rich, John Thomas, Paul Lamezk, Brad Young, Jeff Oswald, Joe Barnes, Erma Stodgedill, Penny Garrison, Barb Cooper and Bill Federer, representatives of Vision America.

Senator Westfall introduced to the Senate, thirty cadets representing the Show Me Challenge Program sponsored by the Nevada National Guard.

Senator Childers introduced to the Senate, Jared Corn, Cassville High School, Cassville; and Jared was made an honorary page.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Joseph Hanaway, M.D., St. Louis.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FOURTH DAY-WEDNESDAY, APRIL 11, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SB 428-Loudon

SS#2 for SCS for SBs

22 & 106-Singleton

SS for SCS for SB 351-

Singleton

SS for SCS for SBs 433

& 248-Kinder and Gross SENATE BILLS FOR PERFECTION

1. SJR 11-Yeckel

2. SBs 551, 410, 539, 528

& 296-Sims, with SCS

3. SBs 476, 427 & 62-

Yeckel, et al, with SCS

4. SB 369-Steelman and

Stoll, with SCS

5. SB 505-Loudon, with SCS

6. SB 578-Goode and

Russell, with SCS

7. SBs 448 & 588-Sims,

et al, with SCS

8. SB 535-Rohrbach, with

SCS

9. SB 66-Gibbons, with

SCS#2

10. SB 525-Cauthorn, with SCS

11. SB 242-Kenney

12. SB 225-Mathewson,

with SCS

13. SB 180-Klarich

14. SB 583-Yeckel

15. SB 488-Klindt, et al,

with SCS

16. SB 387-Goode, et al,

with SCS

17. SB 455-Kinder, et al,

with SCS

18. SBs 334 & 228-Kinder,

with SCS

19. SB 469-Gross, et al

20. SB 546-Kenney, et al,

with SCS

21. SB 337-House and Kinder

22. SB 593-Klindt, with SCS

23. SB 509-Cauthorn and Klindt

24. SBs 42 & 108-Kenney, with SCS

25. SB 565-Staples INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 &

SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS,

SA 1, SSA 1 for SA 1 &

point of order (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SBs 510, 512 & 133-Kenney,

with SCS (pending)

SJR 1 & 4-Schneider,

with SCS CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with
SCS

House Bills

Reported 4/10

HB 664-Skaggs

HB 491-George, with SCS
(Goode)

HB 236-Smith, with SCS
(Caskey)

HB 266-Treadway (Gross)

HB 745-Farnen (Mathewson)

HB 180-Thompson, et al
(Sims)

HB 129-Van Zandt and

Campbell

HB 48-Relford (Mathewson)

HB 801-Liese and Wagner,
with SCS

HB 218-Farnen, et al

(Kenney) **BILLS IN CONFERENCE AND BILLS**

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3 &

SSA 1 for SA 3 (pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FOURTH DAY--WEDNESDAY, APRIL 11, 2001

The Senate met pursuant to adjournment.

Senator Rohrbach in the Chair.

Reverend Carl Gauck offered the following prayer:

"To do righteousness and justice is more acceptable to the Lord than sacrifice." (Proverbs 21:3)

Merciful God, there are so many bills demanding our attention and we are beginning to wonder what it is that must be done and what is the best thing for us to do as we discern the budget and set values and priorities through it. May You gently push us to seek always that which is right and just in what we deliberate and approve so our hearts may be light and in tune with You our God. Amen.

The Pledge of Allegiance to the Flag was recited.

President Maxwell assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 542, regarding Brandon S. Holmes, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 543, regarding Joshua L. "Josh" Brown, Independence, which was adopted.

CONCURRENT RESOLUTIONS

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 29

Relating to the Highway Patrol Oversight Commission

WHEREAS, citizens with complaints regarding the Missouri State Highway Patrol often are unaware of the results of their grievances; and

WHEREAS, the procedures of the Missouri State Highway Patrol regarding internal investigations and standards of discipline of Patrol members are not generally made public; and

WHEREAS, there exists a need for continued accountability in the review and investigation of complaints, both by members of the public regarding treatment by the Highway Patrol and from officers within the Highway Patrol; and

WHEREAS, there exists a need for clarification and public understanding of Highway Patrol standards of procedure in order to ensure that every complaint is appropriately and fairly handled; and

WHEREAS, there also exists a need to ensure that women and minorities are being adequately and ethically recruited and retained by the Highway Patrol:

NOW, THEREFORE BE IT RESOLVED, that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, the House of Representatives concurring therein, hereby authorize the creation of a Highway Patrol Oversight Commission which shall review and evaluate the laws and general orders relating to public complaints, internal grievances and discipline of officers, review procedures to recruit and retain women and minority officers and troopers, and make recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Commission shall be composed of six members, three of whom shall be appointed by the President Pro Tem of the Senate and three of whom shall be appointed by the Speaker of the House, including a representative of a national organization that represents the interests of troopers, a POST-certified instructor, an attorney with experience with administrative law procedure and practice, a person with human resources experience in private industry or commerce, a member of the House of Representatives and a member of the Senate, to serve until January 1, 2003; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Commission in carrying out its duties, including allowing access to closed records, provided that the Commission shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Commission shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the Commission; and

BE IT FURTHER RESOLVED that the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Commission; and

BE IT FURTHER RESOLVED that the Commission shall make a report to the Governor and the General Assembly by January 1, 2003; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **SBs 22** and **106** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SB 428, introduced by Senator Loudon, entitled:

An Act to repeal section 213.055, RSMo 2000, relating to unlawful employment practices, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Loudon, **SB 428** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	DePasco
Foster	Gibbons	Gross	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Scott	Singleton
Westfall	Yeckel-- 18		
	NAYS--Senators		
Bland	Caskey	Dougherty	Goode
House	Jacob	Johnson	Mathewson
Quick	Schneider	Sims	Staples
Steelman	Wiggins-- 14		
	Absent--Senator Stoll-- 1		
	Absent with leave--Senator Carter-- 1		

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 351**, introduced by Senator Singleton, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal sections 57.010, 488.5336, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180 and 590.650, RSMo 2000, relating to selection and training of peace officers, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Singleton, **SS** for **SCS** for **SB 351** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter-- 1

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SS for SCS for SBs 433 and 248, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 433 and 248

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SS for SCS for SBs 433 and 248** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Caskey--1			
Absent--Senator Quick--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Kenney moved that **SB 510, SB 512 and SB 133**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for SBs 510, 512 and 133, as amended, was again taken up.

President Pro Tem Kinder assumed the Chair.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 510, 512 and 133, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"142.803. 1. A tax is levied and imposed on all motor fuel used or consumed in this state as follows:

(1) Motor fuel, seventeen cents per gallon.[Beginning April 1, 2008, the tax rate shall become eleven cents per gallon]
In addition to the tax levied pursuant to this section, there is levied an additional tax of three cents per gallon upon diesel fuel;

(2) Alternative fuels, not subject to the decal fees as provided in section 142.869, with a power potential equivalent of motor fuel. In the event alternative fuel, which is not commonly sold or measured by the gallon, is used in motor vehicles on the highways of this state, the director is authorized to assess and collect a tax upon such alternative fuel measured by the nearest power potential equivalent to that of one gallon of regular grade gasoline. The determination by the director of the power potential equivalent of such alternative fuel shall be prima facie correct;

(3) Aviation fuel used in propelling aircraft with reciprocating engines, nine cents per gallon as levied and imposed by section 155.080, RSMo, to be collected as required under this chapter.

2. All taxes, surcharges and fees are imposed upon the ultimate consumer, but are to be precollected as described in this chapter, for the facility and convenience of the consumer. The levy and assessment on other persons as specified in this chapter shall be as agents of this state for the precollection of the tax."; and

Further amend said bill, page 14, Section 169.596, line 23, by inserting immediately after said line the following:

"301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

6,000 pounds and under \$ [25.50] **33.00**

6,001 pounds to 9,000 pounds [38.00] **49.50**

9,001 pounds to 12,000 pounds [38.00] **49.50**

12,001 pounds to 18,000 pounds [63.00] **82.00**

18,001 pounds to 24,000 pounds [100.50] **131.00**

24,001 pounds to 26,000 pounds [127.00] **165.00**

26,001 pounds to 30,000 pounds [180.00] **234.00**

30,001 pounds to 36,000 pounds [275.50] **357.50**

36,001 pounds to 42,000 pounds [413.00] **537.00**

42,001 pounds to 48,000 pounds [550.50] **716.00**

48,001 pounds to 54,000 pounds [688.00] **894.00**

54,001 pounds to 60,010 pounds [825.50] **1,073.00**

60,011 pounds to 66,000 pounds ..[1,100.50] **1,431.00**

66,001 pounds to 73,280 pounds.. [1,375.50] **1,788.00**

73,281 pounds to 78,000 pounds.. [1,650.50] **2,146.00**

Over 78,000 pounds [1,719.50] **2,235.00**.

301.265. 1. The owner of any motor vehicle or, in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, which is duly and legally registered in some other jurisdiction but which cannot legally be operated on Missouri highways under the provisions of section 301.271, or under the provisions of any applicable agreement duly entered into by the Missouri highway reciprocity commission, which is operated on the highways of this state only occasionally by such owner or operator, may in lieu of the payment of the registration fee for such vehicle, obtain a trip permit from the department of revenue authorizing the operation of such vehicle on the highways of this state for a period of not to exceed seventy-two hours. The trip permit is valid for use by any owner or operator who uses the vehicle during the seventy-two hour period. The fee for such trip permit shall be [ten] **fourteen** dollars **and fifty cents** and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state [highway] **highways and transportation** department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail. When such trip permit fee has been paid on a motor vehicle, no registration or fee shall be required for a trailer or semitrailer duly and legally registered in any jurisdiction and propelled by such motor vehicle. The director of revenue shall prescribe rules and regulations to effectuate the purpose of this section. Application for such trip permits shall be made on a form prescribed by and shall contain such information as may be required by the director of revenue.

2. The requirements of Missouri law as to title of motor vehicles shall not be applicable to vehicles operated under such trip permits.

3. Any owner or operator who desires to use a trip permit for the operation of his vehicle shall secure such permit and the same must be in full force and effect before the vehicle enters or commences its trip in the state of Missouri.

4. Operators who fail to obtain such permit before the vehicle enters or commences its trip in this state are subject to arrest and must obtain such permit before proceeding. The permits shall be made available at official highway weight stations.

5. The purchase of a [ten] **fourteen** dollar **and fifty cents** trip permit shall allow such operator to haul the maximum weight allowed by statute.

6. Such permits may be sold in advance of the date of their use in such quantities as the director of revenue shall determine.

302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director.

2. The application for a commercial driver's license or renewal shall be accompanied by the payment of a fee of [forty] **sixty** dollars. The fee for a duplicate commercial driver's license shall be [twenty] **thirty** dollars. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration. The director shall have the authority to stagger the issuance or renewal of commercial driver's license applicants over a six-year period. When a person changes such person's name, mailing or residence address, such person shall notify the director. To all applicants for a commercial license or renewal who are between eighteen and twenty-one years of age, the application shall be accompanied by a fee of twenty dollars. A commercial license issued pursuant to an applicant less than twenty-one years of age shall expire on the applicant's birthday the third year after issuance.

3. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which

has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.

304.010. 1. As used in this section, the following terms mean:

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than twenty-four thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided [by] **for** in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance

is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance. If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) The operator of any truck registered for a gross weight of more than twenty-four thousand pounds operating such vehicle at a speed in excess of seventy miles per hour shall be fined one thousand dollars.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the speeding violation.

622.030. 1. The administrative law judges shall assume all the duties concerning transportation activities heretofore imposed upon the commissioners of the public service commission in their quasi-judicial capacity and function. All ministerial duties shall be performed by the division, and the administrative law judges shall not be responsible for those activities. The administrative law judges shall hear and decide all matters concerning transportation activities which the public service commission or public service commissioners would have been required to hear and decide in a quasi-judicial capacity.

2. Each administrative law judge may exercise all powers granted to the division without the concurrence of any other administrative law judge, except with respect to the rulemaking powers, in which all administrative law judges must concur. The method of assignment of petitions, appeals or other cases may be determined by rule or other agreement between the administrative law judges. Except as provided in section 622.035, all hearings before the administrative law judges shall be governed by rules adopted by them. In all investigations, inquiries or hearings before the division or the administrative law judges, neither the administrative law judges nor the division shall be bound by technical rules of evidence. No formality in any proceeding nor in the manner of taking testimony before the division or an administrative law judge shall invalidate any order, decision, rule or regulation made, approved or confirmed by the division or administrative law judge.

3. The division [may] **shall** charge a [reasonable] docket fee [as may be set by rule] **of two hundred dollars** to be paid upon the filing of any petition, application, complaint, or other request for relief or authority by any party other than the division staff. All such docket fees shall be paid to the state director of revenue at the time of the filing of any such petition, application, complaint or other request for relief or authority, and the same shall be deposited by the state director of revenue in the [highway] **state highways and transportation department** fund of the state of Missouri.

Section 1. All fines collected pursuant to subsection 12 of section 304.010 shall be deposited in the State School Moneys Fund."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

President Maxwell assumed the Chair.

Senator Kenney raised the point of order that **SA 2** is out of order as it is not germane to the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 510, 512 and 133, Page 14, Section 169.596, Line 23, by inserting after all of said line:

"Section 1. Any program providing child care to preschool or school age children that is located and operated on elementary or secondary public school property shall comply with the child care licensure provisions in chapter 210, RSMo; except that, for safety, health and fire purposes, any such program shall comply with the safety, health and fire provisions required of school districts in this state in lieu of the safety, health and fire provisions of chapter 210, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 510, 512 and 133, Page 1, Section 160.400, Line 3, by inserting after the word "only" the following: **"in a district which is provisionally accredited or has been**

provisionally accredited during at least one of the five preceding school years or".

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Cauthorn, Johnson, Kenney and Quick.

SA 4 failed of adoption by the following vote:

YEAS--Senators

Bland	Caskey	Dougherty	Goode
Jacob	Johnson	Mathewson	Quick--8

NAYS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	House	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--22		

Absent--Senators

DePasco	Scott	Staples--3
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Absent with leave--Senator Carter--1

Senator Bland offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 510, 512 and 133, Page 12, Section 160.415, Line 82, by inserting after all of said line the following:

"12. No later than April 1, 2002, the state board of education shall establish a process whereby a charter school may be evaluated for compliance with applicable school-level standards of the Missouri school improvement program review. In addition to any performance study required pursuant to subsection 3 of section 160.410, every charter school located in an urban school district shall demonstrate compliance with the standards established by the state board of education pursuant to this subsection or provide, to the sponsor and the state board of education, documentation of accreditation of such charter school by an independent accrediting agency which accredits one or more non-public schools in this state which has standards which are no lower than the standards established by the state board pursuant to this subsection. Beginning with the 2002-03 school year, a sponsor shall suspend or revoke the charter of any charter school in an urban school district which school fails to provide documentation demonstrating compliance with the requirements of this subsection."

Senator Bland moved that the above amendment be adopted.

Senator Kenney offered **SSA 1** for **SA 5**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 510, 512 and 133, Page 12, Section 160.415, Line 82, by inserting after all of said line the following:

"12. No later than April 1, 2002, the state board of education shall establish a process whereby a charter school may be evaluated for compliance with applicable school-level standards of the Missouri school improvement program review. In addition to any performance study required pursuant to subsection 3 of section 160.410, every charter school located in an urban school district shall demonstrate compliance with the standards

established by the state board of education pursuant to this subsection or provide, to the sponsor and the state board of education, documentation of accreditation of such charter school by an independent accrediting agency which accredits one or more non-public schools in this state which has standards which are no lower than the standards established by the state board pursuant to this subsection."

Senator Kenney moved that the above substitute amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 510, 512 and 133, Page 14, Section 169.596, Line 2, by inserting after "district," the following: "**and any charter school established pursuant to sections 160.400 to 160.420, RSMo,**"; and further amend line 12, by inserting after "district," the following: "**and any charter school established pursuant to sections 160.400 to 160.420, RSMo,**".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

At the request of Senator Kenney, **SB 510**, **SB 512** and **SB 133**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 454**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 537**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 603**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 212**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 644**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 459**, begs leave to report that it

has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 732**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 693**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 955**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 955, Page 1, Section 208.471, Line 9, by deleting the period after the word "payments" and inserting in lieu thereof a comma; and

Further amend said bill, same page and section, line 11, by deleting the words, "shall be" and inserting in lieu thereof "such payments or assessments are".

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 933**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 816**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 825**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 321**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **HB 590**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 89** and **37**; **SS** for **SCS** for **SBs 347** and **487**; and **SCS** for **SBs 247** and **330**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 915**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to disability discrimination, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 891**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to private confidential information, with a penalty provision and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 13**, entitled:

An Act to appropriate money for real property leases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 18**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 19**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 544, regarding Mary Louise Bittner, Liberty, which was adopted.

Senator Sims offered Senate Resolution No. 545, regarding Gustave Degardin, St. John, which was adopted.

SENATE BILLS FOR PERFECTION

SJR 11 was placed on the Informal Calendar.

Senator Sims moved that **SB 551, SB 410, SB 539, SB 528** and **SB 296**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 551, 410, 539, 528** and **296**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 551, 410, 539, 528 and 296

An Act to repeal sections 208.029, 210.536, 211.183, 452.377, 452.402 and 453.073, RSMo 2000, relating to children and families, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **SBs 551, 410, 539, 528** and **296** be adopted.

Senator Sims offered **SS** for **SCS** for **SBs 551, 410, 539, 528** and **296**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 551, 410, 539, 528 and 296

An Act to repeal sections 208.029, 210.536, 211.183, 452.377, 452.402 and 453.073, RSMo 2000, relating to children and families, and to enact in lieu thereof six new sections relating to the same subject.

Senator Sims moved that **SS** for **SCS** for **SBs 551, 410, 539, 528** and **296** be adopted.

Senator Gibbons assumed the Chair.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 551, 410, 539, 528 and 296, Page 7, Section 452.377, by removing all of such section; and further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 551, 410, 539, 528 and 296, Page 3, Section 208.029, Line 29, by inserting immediately after said line the following:

"210.170. 1. There is hereby created within the office of administration of the state of Missouri the "Children's Trust Fund Board", which shall be composed of seventeen **but not more than twenty-one** members as follows:

(1) Twelve public members to be appointed by the governor by and with the advice and consent of the senate; **and the governor may appoint four additional members if he deems necessary**. As a group, the public members appointed [under] **pursuant to** this subdivision shall demonstrate knowledge in the area of prevention programs, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of all of the following categories:

- (a) Organized labor;
- (b) The business community;
- (c) The educational community;
- (d) The religious community;
- (e) The legal community;
- (f) Professional providers of prevention services to families and children;
- (g) Volunteers in prevention services;
- (h) Social services;
- (i) Health care services; and
- (j) Mental health services;

(2) A physician licensed pursuant to chapter 334, RSMo;

(3) Two members of the Missouri house of representatives, who shall be appointed by the speaker of the house of representatives and shall be members of two different political parties; and

(4) Two members of the Missouri senate, who shall be appointed by the president pro tem of the senate and who shall be members of two different political parties.

2. All members of the board appointed by the speaker of the house or the president pro tem of the senate shall serve until their term in the house or senate during which they were appointed to the board expires. All public members of the board shall serve for terms of three years; except, that of the public members first appointed, four shall serve for terms of three years, four shall serve for terms of two years, and three shall serve for terms of one year. No public members may serve more than two consecutive terms, regardless of whether such terms were full or partial terms. Each member shall serve until his successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant was originally filled.

3. Any public member of the board may be removed by the governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in his or her own behalf.

4. The board may employ an executive director who shall be charged with carrying out the duties and responsibilities assigned to him **or her** by the board. The executive director may obtain all necessary office space, facilities, and equipment, and may hire and set the compensation of such staff as is approved by the board and within the limitations of appropriations for the purpose. All staff members, except the executive director, shall be employed pursuant to chapter 36, RSMo.

5. Each member of the board shall be reimbursed for all actual and necessary expenses incurred by [him] **the member** in the performance of his **or her** official duties. All reimbursements made [under] **pursuant to** this subsection shall be made from funds in the children's trust fund appropriated for that purpose.

6. All business transactions of the board shall be conducted in public meetings in accordance with sections 610.010 to 610.030, RSMo.

7. The board may accept federal funds for the purposes of sections 210.170 to 210.174, as well as gifts and donations from individuals, private organizations, and foundations. The acceptance and use of federal funds shall not commit any state funds nor place any obligation upon the general assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this subsection shall be transmitted to the state treasurer for deposit in the state treasury to the credit of the children's trust fund.

8. The board shall elect a chairperson from among the public members, who shall serve for a term of two years. The board may elect such other officers and establish such committees as it deems appropriate.

9. The board shall exercise its powers and duties independently of the office of administration except that budgetary, procurement, accounting, and other related management functions shall be performed by the office of administration."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 551, 410, 539, 528 and 296, Page 3, Section 208.029, Line 29, by inserting immediately after said line the following:

"210.170. 1. There is hereby created within the office of administration of the state of Missouri the "Children's Trust

Fund Board", which shall be composed of seventeen **but not more than twenty-one** members as follows:

(1) Twelve public members to be appointed by the governor by and with the advice and consent of the senate; **and the governor may appoint four additional members with the advice and consent of the senate if he deems necessary.** As a group, the public members appointed [under] **pursuant to** this subdivision shall demonstrate knowledge in the area of prevention programs, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of all of the following categories:

- (a) Organized labor;
- (b) The business community;
- (c) The educational community;
- (d) The religious community;
- (e) The legal community;
- (f) Professional providers of prevention services to families and children;
- (g) Volunteers in prevention services;
- (h) Social services;
- (i) Health care services; and
- (j) Mental health services;

(2) A physician licensed pursuant to chapter 334, RSMo;

(3) Two members of the Missouri house of representatives, who shall be appointed by the speaker of the house of representatives and shall be members of two different political parties; and

(4) Two members of the Missouri senate, who shall be appointed by the president pro tem of the senate and who shall be members of two different political parties.

2. All members of the board appointed by the speaker of the house or the president pro tem of the senate shall serve until their term in the house or senate during which they were appointed to the board expires. All public members of the board shall serve for terms of three years; except, that of the public members first appointed, four shall serve for terms of three years, four shall serve for terms of two years, and three shall serve for terms of one year. No public members may serve more than two consecutive terms, regardless of whether such terms were full or partial terms. Each member shall serve until his successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner in which the board membership which is vacant was originally filled.

3. Any public member of the board may be removed by the governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in his or her own behalf.

4. The board may employ an executive director who shall be charged with carrying out the duties and responsibilities assigned to him **or her** by the board. The executive director may obtain all necessary office space, facilities, and equipment, and may hire and set the compensation of such staff as is approved by the board and within the limitations of appropriations for the purpose. All staff members, except the executive director, shall be employed pursuant to chapter 36, RSMo.

5. Each member of the board shall be reimbursed for all actual and necessary expenses incurred by [him] **the member** in the performance of his **or her** official duties. All reimbursements made [under] **pursuant to** this subsection shall be made from funds in the children's trust fund appropriated for that purpose.

6. All business transactions of the board shall be conducted in public meetings in accordance with sections 610.010 to 610.030, RSMo.

7. The board may accept federal funds for the purposes of sections 210.170 to 210.174, as well as gifts and donations from individuals, private organizations, and foundations. The acceptance and use of federal funds shall not commit any state funds nor place any obligation upon the general assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this subsection shall be transmitted to the state treasurer for deposit in the state treasury to the credit of the children's trust fund.

8. The board shall elect a chairperson from among the public members, who shall serve for a term of two years. The board may elect such other officers and establish such committees as it deems appropriate.

9. The board shall exercise its powers and duties independently of the office of administration except that budgetary, procurement, accounting, and other related management functions shall be performed by the office of administration."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 551, 410, 539, 528 and 296, Page 4, Sections 211.183 and 452.402 by deleting all of said sections; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Gross offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 551, 410, 539, 528 and 296, Page 13, Section 452.402, Line 17, by deleting the word "**unsupervised**"; and

Further amend said bill, lines 18-20, by deleting "**If supervised visitation is granted, then such supervision shall be that which the court finds to be in the best interests of the child.**".

Senator Gross moved that the above substitute amendment be adopted.

At the request of Senator Gross, **SSA 1** for **SA 3** was withdrawn.

SA 3 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 551, 410, 539, 528 and 296, Page 4, Section 210.536, Line 5, by adding immediately after the "." on said line the following: "Subject to appropriations,".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 551, 410, 539, 528 and 296, Page 14, Section 453.073, Line 26, by adding after the number "453.065." the following: "**Subject to appropriations**,".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SS** for **SCS** for **SBs 551, 410, 539, 528 and 296**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SCS** for **SBs 551, 410, 539, 528 and 296**, as amended, was declared perfected and ordered printed.

Senator Yeckel moved that **SB 476, SB 427 and SB 62**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 476, 427 and 62**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 476, 427 and 62

An Act to repeal sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.087, 115.089, 115.097, 115.162, 115.225, 115.233, 115.237, 115.277, 115.283, 115.291, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.637, RSMo 2000, relating to elections, and to enact in lieu thereof thirty-four new sections relating to the same subject.

Was taken up.

Senator Yeckel moved that **SCS** for **SBs 476, 427 and 62** be adopted.

Senator Yeckel offered **SS** for **SCS** for **SBs 476, 427 and 62**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 476, 427 and 62

An Act to repeal sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.409, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613, 115.637, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, RSMo 2000, relating to elections, and to enact in lieu thereof fifty-seven new sections relating to the same subject.

Senator Yeckel moved that **SS** for **SCS** for **SBs 476, 427 and 62** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 7, Section 115.027, Line 21 of said page, by striking the word "state" and inserting in lieu thereof the following: "**local county**"; and further amend line 23 of said page, by striking the following: "The state committee of such"; and further amend lines 24-25 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, page 8, line 10 of said page, by striking the word "state" and inserting in lieu thereof the following: "**county**"; and

Further amend said bill, page 11, Section 115.087, lines 29-31 of said page, by striking all of said lines; and

Further amend said bill and section, page 12, lines 1-3 of said page, by striking all of said lines; and further amend line 4 of said page, by striking "3." and inserting in lieu thereof the following: "**2.**"; and

Further amend said bill, page 12, Section 115.089, lines 12-13 of said page, by striking all of the underlined language from said lines; and

Further amend said bill, page 15, Section 115.126, line 13 of said page, by striking the word "Friday" and inserting in lieu thereof the following: "**Wednesday**"; and

Further amend said bill, page 67, Section 115.645, lines 13-23 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, pages 68-69, Section 115.648, by striking all of said section from said bill; and

Further amend the title and enacting clause accordingly.

Senator Yeckel offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Sections 115.645 and 115.648, Pages 67 and 68, by deleting said sections and inserting in lieu thereof the following:

"115.645. 1. For purposes of enforcing the provisions of this chapter and acts amendatory thereto, the secretary of state shall investigate all violations of any provisions of this chapter in cases where:

- (1) the secretary of state determines that in elections involving statewide candidates or statewide ballot issues a matter of statewide interest is adversely affected;**
- (2) the secretary of state determines local law enforcement authorities are unwilling or unable to investigate the matter; or**
- (3) the local election authority requests the secretary of state to investigate.**

2. To investigate allegations of election law violations under subsection 1 of this section, the secretary of state may subpoena such persons and records as necessary. Upon refusal of any person to comply with any such subpoena, the secretary of state may petition the circuit court having venue for an order enforcing such subpoena. Upon failure of any person to obey a court order enforcing the secretary of state's subpoena, the court issuing such order shall find that person in contempt and punish such person as provided by law. For purposes of this section venue shall be in the circuit court of any county in which the persons or records subpoenaed or located.

3. The secretary of state shall promulgate rules to effectuate the provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule or subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

5. The secretary of state shall ensure the confidentiality of all reports, records, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the secretary of state or any person in the course of an investigation made pursuant to this section. Only the following persons shall have access to such records maintained by the secretary of state:

(1) Appropriate staff of the secretary of state authorized to investigate allegations of election law violations pursuant to subsection 1 of this section; and

(2) A grand jury, prosecuting attorney, law enforcement officer, attorney general, election authority, or other appropriate federal, state or local criminal justice agency personnel, with a need for such information under the law to investigate or prosecute state or federal election law violations.

6. The provisions of this section shall expire at noon on January 10, 2005.

115.648. 1. For purposes of enforcing the provisions of this chapter and acts amendatory thereto, the prosecuting attorneys of the respective counties or the circuit attorneys shall investigate and prosecute all violations of any provisions of this chapter.

2. For purposes of enforcing the provisions of this chapter and acts amendatory thereto, in any case in which the secretary of state investigates violations of any provision of this chapter pursuant to section 115.645, the attorney general shall have concurrent jurisdiction to investigate and prosecute all violations of this chapter.

3. When requested by the secretary of state, the attorney general, or his or her assistants shall in the enforcement of this chapter, have the power to sign indictments or informations and conduct prosecutions in any county or city within this state.

4. The prosecuting attorneys, circuit attorneys, and attorney general shall ensure the confidentiality of all reports, records, working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the prosecuting attorneys, circuit attorneys, attorney general or any person in the course of an investigation made pursuant to this section. Only the following persons shall have access to such records maintained by the prosecuting attorneys, circuit attorneys, or attorney general:

(1) Appropriate staff of the prosecuting attorneys, circuit attorneys, or attorney general authorized to investigate or prosecute allegations of election law violations pursuant to subsections 1 and 2 of this section; and

(2) A grand jury, prosecuting attorney, law enforcement officer, secretary of state, election authority, or other appropriate federal, state or local criminal justice agency personnel, with a need for such information under the law to investigate or prosecute state or federal election law violations.

3. The provisions of this section shall expire at noon on January 10, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above substitute amendment be adopted.

Senator Singleton assumed the Chair.

Senator Jacob offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Pages 1-2, Section 115.645, by deleting all of said section.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** to **SSA 1** for **SA 1** was withdrawn.

SSA 1 for **SA 1** was again taken up.

At the request of Senator Yeckel, the above substitute amendment was withdrawn.

SA 1 was again taken up.

At the request of Senator Yeckel, **SB 476**, **SB 427** and **SB 62**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

April 11, 2001

Ms. Terry Spieler

Secretary of Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Patrick Dougherty to the Senate Appropriations Committee as a temporary replacement for Senator Paula Carter until such time as Senator Carter is able to resume her duties.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 247** and **330** and **SS** for **SCS** for **SBs 89** and **37** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SJR 1** and **SJR 4**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SJR 1** and **4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTIONS NOS. 1 and 4

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SJR 1** and **4** be adopted.

Senator Schneider offered **SS** for **SCS** for **SJR 1** and **4**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTIONS NOS. 1 and 4

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

Senator Schneider moved that **SS** for **SCS** for **SJR 1** and **4** be adopted.

At the request of Senator Schneider, **SJR 1** and **SJR 4**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which were referred **HB 808** and **HB 951**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 742**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 922**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 909**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 779**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 600**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 596**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 502**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 410**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 409**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 408**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 84**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 788**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, Senator Kenney submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 596**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 5**.

HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, the nationwide trend toward deregulation of telecommunications services and energy services and sources has created competitive markets and made available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services which vary widely based on locality and, within a locality, may vary widely due to increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, the current nationwide trend toward competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources has potential benefits and adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources necessitate a fair and equitable tax structure across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, a Joint Interim Committee on Telecom-munications and Energy has studied the above-mentioned issues during the tenure of the Ninetieth General Assembly and recommends that a similar study committee be established to continue the study during the tenure of the Ninety-first General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, that a joint legislative study committee of the General Assembly be created to be composed of seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and that said committee be authorized to function throughout the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by prior Joint Interim Committees on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by prior Joint Interim Committees on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological

and economic issues of deregulation and increasing competition in energy production, distribution and sale, including consideration of the effects on residential customers, small and large business customers, utility shareholders and other stakeholders, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, the original passage of the federal Individuals with Disabilities Education Act (IDEA) in 1975 established a program of free appropriate public education to better enable students with disabilities to achieve their greatest potential; and

WHEREAS, IDEA also represented an advance in civil rights for disabled children through equal protection; and

WHEREAS, Missouri has demonstrated a strong commitment to serving our children with disabilities through provision of special education and related services to over 127,000 students (14.18 percent of public school enrollment); and

WHEREAS, the original intent of the 94th Congress was to fund IDEA at 40% of its cost, but funding has never exceeded 13%; and

WHEREAS, federal law requires school districts to meet federal standards, but Congress has not provided the promised funding necessary to achieve those standards; and

WHEREAS, Missouri and several other states have legal prohibitions on passing unfunded mandates to the local level and therefore must either make up the shortfall or ask local districts to do so and thereby risk litigation; and

WHEREAS, local districts must then cover the mandated expenses of special education and reduce funding for teachers, textbooks and supplies, building maintenance and repair, as well as meet the counterproductive reporting burden which severely reduces teacher availability;

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge that before the 107th Congress considers any other education initiatives, that IDEA receive prompt and full funding, and the reporting requirements of IDEA be significantly reduced; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and every member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 24**.

HOUSE CONCURRENT RESOLUTION NO. 24

WHEREAS, recent high fuel prices have alerted us to the need to improve our nation's policies on fuel production; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) has recently suggested that they will reduce crude oil production again in an attempt to manipulate prices; and

WHEREAS, reductions in crude oil production have resulted in sharp increases in prices for natural gas, gasoline and home heating oil; and

WHEREAS, the United States has become dangerously dependent on foreign petroleum; and

WHEREAS, Missouri consumers are experiencing higher prices at the pump and in home heating costs, and the economic stability of many areas of the state which rely on tourism may be jeopardized if the number of persons traveling to Missouri's vacation destinations is significantly reduced due to increased gasoline prices; and

WHEREAS, the trucking industry, heavily dependent on the availability and price of gasoline and diesel fuel, has been especially hard hit by the increase in fuel costs that have resulted in a significant increase in the transportation costs associated with the delivery of consumer goods throughout the state. Such an increase in cost to the trucking industry will inevitably be passed along to consumers as an increase in the price of consumer goods; and

WHEREAS, the increased petroleum fuel costs is particularly detrimental to Missouri family farmers because it comes at a time when overall market prices are low; and

WHEREAS, fuel prices could be reduced by increasing domestic production and encouraging the development of markets for products that can be used as the source material for renewable alternative fuels:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to actively address the issue of fuel prices and take immediate actions necessary to reduce our nation's dependency on foreign petroleum sources and boost our own economy by:

(1) Enacting reasonable price supports for domestically produced crude oil and in other ways encouraging exploration for domestic petroleum sources in a manner that does not adversely impact the environment;

(2) Encouraging and creating incentives for fuel conservation measures that do not harm the economy; and

(3) Encouraging and creating incentives for research, development and use of alternative fuel sources, including ethanol and other fuels made from renewable materials that would not only reduce our dependency on foreign petroleum, but also have the potential to improve environmental protection and boost local economies; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elizabeth A. Deffenbaugh, Republican, 15580 Jackpine, Carthage, Jasper County, Missouri 64836, as a member of the Board of Regents for Missouri Southern State College, for a term ending August 30, 2006, and until her successor is duly appointed and qualified; vice, Carolyn B. Phelps, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

W. Dale Finke, Republican, 12 Harbor View Drive, Lake St. Louis, St. Charles County, Missouri 63367, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2003, and until his successor is duly appointed and qualified; vice, John "Jack" F. Hunt, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael L. Franks, Democrat, 208 East Main Street, Post Office Box 91, Neosho, Newton County, Missouri 64850, as a member of the Board of Governors for Southwest Missouri State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Joseph W. Turner, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Larry W. Jackson, D.D.S., 503 Fourth Street, Doniphan, Ripley County, Missouri 63935, as a member of the Missouri Dental Board, for a term ending October 16, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David M. Millin, ASA, Democrat, 4608 Crysler, Independence, Jackson County, Missouri 64055, as a member of the Real Estate Appraisers Commission, for a term ending September 12, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul A. Sundet, Ph.D., 809 Sycamore Lane, Columbia, Boone County, Missouri 65203, as a member of the State Committee for Social Workers, for a term ending October 23, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Kinder ruled the pending point of order on **SSA 1** for **SA 1** to **SS** for **SS** for **SB 438** well taken, which brought the bill before the body.

At the request of Senator Bentley, **SB 438**, with **SS**, **SS** for **SS** and **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, his wife, Teresa, and their daughter, Kaitlyn; Lieutenant Governor Joe Maxwell's daughter, Megan; and Mrs. Jackie White, Mrs. Jane Hout and fourth grade students from McMillan Elementary School, Mexico; and Kaitlyn and Megan were made honorary pages.

Senator Klindt introduced to the Senate, Sue Nichols, Bethany; Beth Crawford, Chillicothe; Joyce Artsinger and Janet Vanderpool, Albany; and four teachers and forty-five students from the North Central Missouri College Nursing Program, Trenton.

Senator Klindt introduced to the Senate, Kirk and Chris Nicholson, Maryville.

Senator Steelman introduced to the Senate, Tim and James Ley, Owensville; and James was made an honorary page.

Senator Foster introduced to the Senate, Kirk Mondy, Poplar Bluff.

Senator Gibbons introduced to the Senate, Alison McVicar, a Homeschooler from Lake St. Louis; and Alison was made an honorary page.

Senator House introduced to the Senate, Doug, Lisa, Lindsay, Matthew, Nicholas and Jillian Morton, Homeschoolers from Foristell.

The President introduced to the Senate, his wife, Sarah Maxwell, Mexico.

Senator Caskey introduced to the Senate, Karen Rice and twenty-two students from the Knob Noster Senior High School Gifted Education Program, Knob Noster.

Senator Caskey introduced to the Senate, Diana Kornfeld and twenty-two students from the Belton High School Gifted Education Program, Belton.

Senator Russell introduced to the Senate, Bill Monday, Buffalo; and Virgil Welker, Canton.

Senator Stoll introduced to the Senate, Vicki Ray, Kevin Huskey and Matt and Lucy Woods, Hillsboro.

Senator Caskey introduced to the Senate, Beverly Chaney and nine students from the Holden R-III Middle School Gifted Education Program, Holden.

Senator Sims introduced to the Senate, Dr. Timothy Eberlein, Teresa L. DeShields, Ph.D., and Dr. Joseph Simpson, St. Louis County.

Senator Klarich introduced to the Senate, Shirley Johnson, Chesterfield; and Pamela Henson, Wildwood.

Senator Cauthorn introduced to the Senate, members of the Moberly Area Community College Nursing Program and three instructors.

Senator Johnson introduced to the Senate, Brenda McCurdy, teachers and parents and forty-two students from Mid-Buchanan Elementary School, Faucett.

Senator Steelman introduced to the Senate, Lisa Thompson, Brandi Lowery, Elaina Harrison, Amy Anderko, Sarah Williams and Maureen LeClair, members of the Rolla Technical Center Nursing Program, Rolla.

Senator Kenney introduced to the Senate, Maria Russo and fourth, fifth and sixth grade members of the Pleasant Lea Elementary School Gifted Education Program, Lee's Summit; and Lauren Hudspeth, Monica McCarty, Jessica Luchtel and Greg Lohr were made honorary pages.

Senator Cauthorn introduced to the Senate, fifth through eighth grade students from the Palmyra Middle School Gifted Education Program, Palmyra; and Jill Englehardt, Lisa Walker, Susan Berti, Michele Brown, Kim Jones and Becky Krietemeyer were made honorary pages.

Senator Bland introduced to the Senate, Judy Morgan, Cheryl Davenport and forty members of the Kansas City Federation of Teachers.

Senator Sims introduced to the Senate, Arlene Nickels, Mrs. Magnolia Minor and Antoin Miller, St. Louis County.

Senator Klindt introduced to the Senate, Winona Jennings, Rhonda Booth, Steve Cobb, Kim Fitzpatrick, Robin Booth, Michelle Smith and twenty-three fourth, fifth and sixth grade students from Ridgeway Elementary School, Ridgeway.

Senator Caskey introduced to the Senate, Tarah Viter, Butler; and Tarah was made an honorary page.

Senator Cauthorn introduced to the Senate, Katherine Breseman, Angel Kelsay, Ashley Beckham, Amber Pace, Ellen Greer, Heather Heaton, Rhonda Ferrell, Jamie Cox, Lindsey Dixon, Jennifer Yelton, Desereh Dennis, Jo Ann Harrison, Amanda Smith, Leah Kibble, Edna Berry, Ruth Threlkeld and Kelly Palmer, members of the Moberly Area Community College Practical Nursing Program, Mexico.

Senator Staples introduced to the Senate, June Boyer, Lisa Thomas and students from the Mineral Area College Practical Nursing Program, Shannon County.

Senator Cauthorn introduced to the Senate, Teresa McKenzie, Darren Arp, ten adults and thirty-nine students from Canton R-V School, Canton.

Senator Westfall introduced to the Senate, Mr. Holt, Mr. Stuckey, Mr. Weems, Mr. High, Mr. Canton and members of the Pierce City Government Class.

Senator Sims introduced to the Senate, Tim Wood, Jane Sanders and students from The College School, Webster Groves; and Max Hillman, Christina Locastro, Ryan DuBro and Molly DuBro were made honorary pages.

Senator Kenney introduced to the Senate, Mrs. Randall, Mrs. Elton, Mrs. Schmidt, Mrs. Sullivan, Mrs. Breedlove and students from Cordill-Mason Elementary School, Blue Springs; and Matt Knox, Stephanie Harris, Meagan Anwander, Morgan Swanson and Devon Bakewell were made honorary pages.

Senator Yeckel introduced to the Senate, two students from The College School, Webster Groves; and Travis Hanrahan and Jacob Hautly were made honorary pages.

Senator Bentley introduced to the Senate, Judge Nancy Rahmeyer, Southern Court of Appeals.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-FIFTH DAY-THURSDAY, APRIL 12, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 915-Graham, et al

HS for HB 891-Smith

HCS for HB 13

HCS for HB 18

HCS for HB 19 THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SS#2 for SCS for SBs 22 &

106-Singleton

(In Budget Control)

SS for SCS for SBs 89 & 37-Kinder

(In Budget Control)

SS for SCS for SBs 347 &

487-Caskey

SCS for SBs 247 & 330-

Westfall and Staples

(In Budget Control) SENATE BILLS FOR PERFECTION

1. SB 369-Steelman and

Stoll, with SCS

2. SB 505-Loudon, with SCS

3. SB 578-Goode and

Russell, with SCS

4. SBs 448 & 588-Sims,

et al, with SCS

5. SB 535-Rohrbach, with SCS

6. SB 66-Gibbons, with SCS#2

7. SB 525-Cauthorn, with SCS

8. SB 242-Kenney

9. SB 225-Mathewson,

with SCS

10. SB 180-Klarich

11. SB 583-Yeckel

12. SB 488-Klindt, et al,

with SCS

13. SB 387-Goode, et al,

with SCS

14. SB 455-Kinder, et al,

with SCS

15. SBs 334 & 228-Kinder,

with SCS

16. SB 469-Gross, et al

17. SB 546-Kenney, et al,

with SCS

18. SB 337-House and Kinder

19. SB 593-Klindt, with SCS

20. SB 509-Cauthorn and

Klindt

21. SBs 42 & 108-Kenney,

with SCS

22. SB 565-Staples

23. SB 596-Loudon INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 &

SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with SCS

& SS for SCS (pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SBs 476, 427 & 62-Yeckel,

et al, with SCS, SS for

SCS & SA 1 (pending)

SBs 510, 512 & 133-Kenney,

with SCS (pending)

SJR 1 & 4-Schneider,

with SCS & SS for SCS

(pending)

SJR 11-Yeckel CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with
SCS

House Bills

Reported 4/10

HB 664-Skaggs

HB 491-George, with SCS
(Goode)

HB 236-Smith, with SCS
(Caskey)

HB 266-Treadway (Gross)

HB 745-Farnen (Mathewson)

HB 180-Thompson, et al (Sims)

HB 129-Van Zandt and
Campbell (Klarich)

HB 48-Relford (Mathewson)

HB 801-Liese and Wagner,
with SCS (Yeckel)

HB 218-Farnen, et al
(Kenney) Reported 4/11

HB 454-Monaco (Dougherty)

HB 537-Ostmann, et al
(Klarich)

HB 603-Hilgemann, et al,
with SCS (Sims)

HB 212-Ward, with SCS

HB 644-Burton, with SCS

HB 459-Liese, et al, with SCS

HB 732-Hosmer

HB 693-Smith and Carnahan,
with SCS (Klarich)

HB 955-Green (73), with SCA 1

HB 933-Reid

HB 816-Kennedy and Gambaro

HB 825-Kennedy

HB 321-Skaggs, et al
(Wiggins)

HB 590-Graham

HBs 808 & 951-Gratz and
Vogel, with SCS (Rohrbach)

HB 742-Harding, et al,

with SCS (Johnson)

HB 922-Gaskill and

Bartelsmeyer

HB 909-Davis (Mathewson)

HB 779-Barnett

HB 600-Hosmer and Marsh

HB 596-Kennedy and

Gambaro

HB 502-Ward (Staples)

HB 410-Holt, et al

HB 409-Surface

(Singleton)

HB 408-Kelley (47th)

(Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) To be Referred

SCR 29-Steelman

HCR 5-Mays

HCR 10-Holand

HCR 24-Boucher Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-FIFTH DAY--THURSDAY, APRIL 12, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Heavenly Father, this day will hold many things for us to think about and to act upon and we will be busy with many distractions but we would ask that after this session is completed You would help us shift our minds and hearts to more meaningful pursuits and loving people. Help us use this weekend break for enriching our souls and drawing closer to our families as we celebrate the possibilities of renewal, new life and resurrection as our faith rekindles our hope of life now and forever. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 13--Appropriations.

HCS for HB 18--Appropriations.

HCS for HB 19--Appropriations.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SBs 89 and 37**; and **SS No. 2** for **SCS** for **SBs 22 and 106**, begs leave to report that it has considered the same and recommends that the bills do pass.

On behalf of Senator Singleton, Chairman of the Committee on Public Health and Welfare, Senator Kenney submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 597**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 551, 410, 539, 528 and 296**; and **SCS** for **SBs 52 and 91**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Douglas L. Sutton, as a member of the Board of Regents for Northwest Missouri State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Klindt moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Ronald L. Phillips, M.D., as a member of the State Board of Registration for Healing Arts, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Clifford L. Sargeon, as a member of the State Mental Health Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Angela M. Bennett, as a member of the University of Missouri Board of Curators, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Ross P. Marine, as a member of the Missouri Health Facilities Review Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Frances Afua Bromley, as a member of the Missouri Acupuncturist Advisory Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Dougherty moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 78**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 285**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 607**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 796**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 757**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 111**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS for HB 106**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 431**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 52**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 52, Page 2, Section 56.066, Line 22, by striking the word "fifty" and inserting in lieu thereof the word "**sixty**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 52, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, page 2, Section 56.066, line 24, by inserting immediately after said line the following:

"Section B. Because of the need to assure efficient prosecution for violations of state law, section 56.066 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 56.066 shall be in full force and effect upon its passage and approval.".

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HB 945**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Trans-portion, to which was referred **HB 420**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 458**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 470**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which were referred **HB 648**, **HB 477** and **HB 805**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Trans-portion, to which was referred **HB 691**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 897**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 954**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 45**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 309**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 865**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 725**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 881**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 606**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 242**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto

attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 361**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 498**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 642**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 268**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Kenney submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 274**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 274, Page 2, Section 173.033, Line 20, by inserting after "year." the following: "**A school district which held class for a full school day during the 2000-01 school year and after November 20, 2000, on a day in which at least one adjoining school district or at least one other district headquartered in the same county cancelled classes due to inclement weather may report its daily attendance for such day, for the purposes of determining state school aid pursuant to section 163.031, RSMo, based upon the district's average daily attendance for the preceding school year, provided that no district may report attendance pursuant to this subsection for more than five school days during the 2000-01 school year.**".

Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HB 679**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SJR 1** and **SJR 4**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SJR**s **1** and **4** was again taken up.

President Pro Tem Kinder assumed the Chair.

Senator Gross assumed the Chair.

Senator Loudon offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolutions Nos. 1 and 4, Page 1, Section 8, Line 12, by deleting the word "consecutive".

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Joint Resolutions Nos. 1 and 4, Page 1, In the Preamble, Line 2, by striking "November, 2001" and by inserting in lieu thereof the following: "**April, 2002**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Loudon requested a roll call vote be taken on the adoption of **SS** for **SCS** for **SJR**s **1** and **4**, as amended, and was joined in his request by Senators Childers, Foster, Sims and Staples.

Senator Schneider moved that **SS** for **SCS** for **SJR**s **1** and **4**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	DePasco	Dougherty
Foster	Goode	Jacob	Johnson
Kenney	Klarich	Mathewson	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Westfall	Wiggins
Yeckel--21			

NAYS--Senators

Caskey	Cauthorn	Childers	Gibbons
Gross	House	Kinder	Klindt
Loudon	Russell	Steelman	Stoll--12

Absent--Senators--None

Absent with leave--Senator Carter--1

Senator Loudon requested a roll call vote be taken on the perfection of **SS** for **SCS** for **SJR**s **1** and **4**, as amended, and was joined in his request by Senators Childers, Foster, Sims and Staples.

On motion of Senator Schneider, **SS** for **SCS** for **SJR**s **1** and **4**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators

Bentley	Bland	DePasco	Dougherty
Goode	Jacob	Johnson	Kenney
Klarich	Mathewson	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins	Yeckel--20

NAYS--Senators

Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	House	Kinder
Klindt	Loudon	Russell	Steelman
Stoll--13			

Absent--Senators--None

Absent with leave--Senator Carter--1

CONCURRENT RESOLUTIONS

Senator Jacob offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 30

Relating to authorization for the issuance of bonds for university arena projects.

WHEREAS, Section 21.527, RSMo, requires approval of the General Assembly that certain projects to be funded by revenue bonds shall be secured by a pledge of future appropriations to be made by the General Assembly; and

WHEREAS, the General Assembly is desirous of approving a project for a sports arena and related facilities for the University of Missouri-Columbia campus to be funded in part by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby approve the following:

1. A sports arena project and related facilities for the University of Missouri-Columbia campus;
2. A total estimated project cost, including furnishings and equipment, of seventy-five million dollars;
3. A maximum project cost of thirty-five million dollars (state's share) to be funded by revenue bonds secured by a pledge of future appropriations to be made by the General Assembly;
4. The issuance of revenue bonds in an amount sufficient to pay the state's share of the project cost, plus debt service reserve, capitalized interests and costs of issuance, to be payable over a term not to exceed twenty years; and
5. The remainder of the project cost to be funded by contributions and other funds to be provided by the University of Missouri; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly state the intent of the General Assembly, during each fiscal year of the state during the term of such revenue bonds, to appropriate funds sufficient to pay the debt service on such revenue bonds; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly authorize and direct the Office of Administration and such other state departments, offices and agencies as the Office of Administration may deem necessary or appropriate to:

1. Assist the staff and advisors of the University of Missouri in implementing the project and in issuing such revenue bonds for the state's share of the project cost; and
2. Execute and deliver documents and certificates related to such revenue bonds consistent with the terms of this concurrent resolution; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

REPORTS OF STANDING COMMITTEES

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 473**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 904**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HS** for **HCR 6**.

HOUSE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 6

WHEREAS, the United States Fish and Wildlife Service has recommended that the United States Army Corps of Engineers implement the so-called "spring rise-split season" plan for operation of the Missouri River mainstem reservoir system. This plan would result in an increase in the flow of the Missouri River in the spring and a reduction of the flow in the summer of each year, purportedly to improve habitat for the threatened and endangered pallid sturgeon, least tern and piping plover; and

WHEREAS, additional changes under consideration by the United States Army Corps of Engineers to the Missouri River Master Manual would result in the storage of more water in the upstream reservoirs while decreasing the amount of water available downstream for designated uses. These changes would shorten the navigation season on the Missouri River by twenty-seven days in November and put at risk Mississippi River navigation as well; and

WHEREAS, analysis of the proposed changes by the state of Missouri and the United States Army Corps of Engineers has indicated these changes will fail to improve and will potentially diminish habitat for the species in question, will increase the risk of flooding along the Missouri River, and will result in a decrease in river levels in early summer and fall which will impact navigation and other designated uses on the Missouri and Mississippi Rivers; and

WHEREAS, habitat restoration along the lower Mississippi River has demonstrated great success in aiding the recovery of these species and a similar approach should be given the opportunity to succeed on the Missouri River; and

WHEREAS, these plans have the potential for severe impact on any industry which uses the Missouri River or Mississippi River to transport products and the potential to increase risk of flooding in river communities and on farm land in the Missouri and lower Mississippi River basins; and

WHEREAS, these proposals do not adequately address the concerns and needs of states in the lower Missouri and Mississippi River basin, and will not realize the purported benefit of increasing habitat for endangered species; and

WHEREAS, the Missouri departments of natural resources, conservation and transportation have opposed these plans and have informed the Fish and Wildlife Service and the United States Army Corps of Engineers of their concerns regarding the potential impact on the state's river communities, lands, businesses and wildlife habitat:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives, Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the Governor to protest against any proposals that would so negatively impact beneficial uses of the lower Missouri and Mississippi Rivers and would not significantly improve conditions for the species of concern; and

BE IT FURTHER RESOLVED that the members of the General Assembly urge the Department of Natural Resources, the Department of Conservation and the Department of Transportation to continue to insist that any plan involving the operations of the Missouri River improve the Missouri River for all beneficial uses and be sure any river management changes are based on sound science; and

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be instructed to prepare properly inscribed copies of this resolution for the United States Fish and Wildlife Service, the United States Army Corps of Engineers, the Governor of Missouri, the Director of the Department of Natural Resources, the Director of the Department of Conservation and the Director of the Department of Transportation.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 52** and **91** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SCR 29**, **HCR 5**, **HCR 10** and **HCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 546, regarding Edith Swift Jenkin Spink, Ladue, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Childers introduced to the Senate, Bill Hadlow, Greg Turner, Sheryl Cardenzana, Clarise Carr and thirty eighth grade students from Shell Knob Elementary School, Shell Knob.

Senator Childers introduced to the Senate, Jim, Kelly and Lennia Knupp and Jerry and Reta McQueary, Hollister; and Lennia was made an honorary page.

Senator Childers introduced to the Senate, Kelly and Samantha Trimble, Branson; and Samantha was made an honorary page.

Senator Klindt introduced to the Senate, Pam May, Tammy Dustman and thirty-four fourth and sixth grade students from Grundy R-V Elementary School, Humphreys.

The President introduced to the Senate, representatives of the Boys and Girls Club of the Capital City, Missouri Youth of the Year: Vienna Ellison, Boys and Girls Clubs of Eastern Jackson County, Hawthorn Unit; Gregory Johnson, Herbert Hoover Boys and Girls Clubs; Nikki Davis, Boys and Girls Clubs of St. Charles County; Donal Buckner, Boys and Girls Clubs of Sedalia; Becky Donahue, Boys and Girls Clubs of Southwest Missouri, Comingo Unit; David Edwards, Boys and Girls Clubs of Greater Kansas City; and Sherree Jones, Boys and Girls Clubs of Springfield, Henderson Unit.

The President introduced to the Senate, Miss Missouri, Arron Wendel, Lawson.

Senator Westfall introduced to the Senate, Kathleen Houck, parents and twenty-two seventh and eighth grade students from St. Mary's School, Pierce City.

Senator Bentley introduced to the Senate, her husband, the Physician of the Day, Dr. John Bentley, M.D., Springfield.

Senator Singleton introduced to the Senate, Andy Nimmo, Todd Chlanda and Brian Garrison, Redings Mill.

On behalf of Senator Loudon and herself, Senator Sims introduced to the Senate, Leah Meyer, Andy Spector and students from Carrollton Oaks School, Bridgeton; and Paxton Rowland, Kerri Niehaus, Amber Henke, Adam McCoy and Angela Tardy were made honorary pages.

The President introduced to the Senate, his daughter, Megan, St. Charles County; and Senator Loudon's wife, Gina, and their daughter, Lyda, Ballwin.

Senator Gibbons introduced to the Senate, eighty fourth grade students from Tillman Elementary School, Kirkwood; and Katie Linsley, Kyle Crandall, Brittany Holden and Macknora Smith were made honorary pages.

Senator Caskey introduced to the Senate, John, Meggie and Sean Tyson, Ellisville; and Meggie and Sean were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Tuesday, April 17, 2001.

SENATE CALENDAR

FIFTY-SIXTH DAY-TUESDAY, APRIL 17, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 915-Graham, et al

HS for HB 891-Smith

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SS#2 for SCS for SBs 22 &

106-Singleton

SS for SCS for SBs 89

& 37-Kinder

SS for SCS for SBs 347 &

487-Caskey

SCS for SBs 247 & 330-

Westfall and Staples

(In Budget Control)

SS for SCS for SBs 551,

410, 539, 528 & 296-Sims

SCS for SBs 52 & 91-Childers

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 369-Steelman and

Stoll, with SCS

2. SB 505-Loudon, with SCS

3. SB 578-Goode and

Russell, with SCS

4. SBs 448 & 588-Sims,

et al, with SCS

5. SB 535-Rohrbach, with SCS

6. SB 66-Gibbons, with SCS#2

7. SB 525-Cauthorn, with SCS

8. SB 242-Kenney

9. SB 225-Mathewson, with SCS

10. SB 180-Klarich

11. SB 583-Yeckel

12. SB 488-Klindt, et al,

with SCS

13. SB 387-Goode, et al, with SCS

14. SB 455-Kinder, et al,

with SCS

15. SBs 334 & 228-Kinder,

with SCS

16. SB 469-Gross, et al
17. SB 546-Kenney, et al,
with SCS
18. SB 337-House and Kinder
19. SB 593-Klindt, with SCS
20. SB 509-Cauthorn and Klindt
21. SBs 42 & 108-Kenney,
with SCS
22. SB 565-Staples
23. SB 596-Loudon
24. SB 597-Singleton
25. SB 268-Schneider, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 274, with SCA 1

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and
Westfall, with SCS, SS
for SCS & SA 1 (pending)
SB 65-Gibbons, with SCS
SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SB 226-Goode, et al, with SCS

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 & SSA 3

for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SBs 476, 427 & 62-Yeckel,

et al, with SCS, SS for

SCS & SA 1 (pending)

SBs 510, 512 & 133-Kenney,

with SCS (pending)

SJR 11-Yeckel

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/10

HB 664-Skaggs

HB 491-George, with SCS

(Goode)

HB 236-Smith, with SCS

(Caskey)

HB 266-Treadway (Gross)

HB 745-Farnen (Mathewson)

HB 180-Thompson, et al (Sims)

HB 129-Van Zandt and

Campbell (Klarich)

HB 48-Relford (Mathewson)

HB 801-Liese and Wagner,

with SCS (Yeckel)

HB 218-Farnen, et al

(Kenney)

Reported 4/11

HB 454-Monaco (Dougherty)

HB 537-Ostmann, et al

(Klarich)

HB 603-Hilgemann, et al,

with SCS (Sims)

HB 212-Ward, with SCS

(Rohrbach)

HB 644-Burton, with SCS

(Jacob)

HB 459-Liese, et al, with SCS

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,

with SCS (Klarich)

HB 955-Green (73), with

SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and

Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al

(Wiggins)

HB 590-Graham

HBs 808 & 951-Gratz and

Vogel, with SCS

(Rohrbach)

HB 742-Harding, et al,

with SCS (Johnson)

HB 922-Gaskill and

Bartelsmeyer

HB 909-Davis (Mathewson)

HB 779-Barnett

HB 600-Hosmer and Marsh (Bentley)

HB 596-Kennedy and Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface

(Singleton)

HB 408-Kelley (47)

(Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor

(Gross) Reported 4/12

HB 78-Kennedy and

Richardson

HB 285-Riback Wilson,

et al

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

HB 757-Shoemyer, with SCS

(Stoll)

HB 111-Ladd Baker

HCS for HB 106

HB 431-Barry (Singleton)

HB 52-Ward and Crump,

with SCAs 1 & 2

HB 945-Hosmer, with SCS

HB 420-Williams, et al

(Westfall)

HB 458-Lawson, et al

(Klindt)

HB 470-Shields and

Hegeman (Johnson)

HBs 648, 477 & 805-

Ostmann, et al, with SCS

HB 691-Barnett, et al,

with SCS

HB 897-Kreider, et al

HB 954-Hosmer (Westfall)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al

(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with SCS

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

HB 242-Smith, with SCS

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 642-Relford, with SCS

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS (Foster)

HB 904-Merideth, et al,

with SCS (Foster)

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS

(Russell)

RESOLUTIONS

SR 58-Singleton

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

To be Referred

SCR 30-Jacob

HS for HCR 6-Myers

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SIXTH DAY--TUESDAY, APRIL 17, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

God of Mercy, we return prayerfully rested, thankful for moments to lie down among blooming flowers and blossoming trees and be refreshed. We return with many demands from people pushing and prodding us so we feel like straws forced into positions we are expected to take. Help us this week to continually turn to You for the power to serve even when pushed and make decisions according to Your will. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 12, 2001, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

Senator Jacob rose to seek recognition to submit a newspaper article for printing in the Senate Journal.

Senator Klarich objected.

Senator Klarich raised the point of order that under the provisions of Senate Rule 18, Senator Jacob's request that a newspaper article be printed in the Journal is out of order as it does not refer to a proceeding of the Senate and should not be printed unless ordered to be printed in the Journal by the Senate.

The point of order was referred to the President Pro Tem.

At the request of Senator Jacob, the request for printing was withdrawn, rendering the point of order moot.

RESOLUTIONS

On behalf of Senator Carter, Senator Quick offered Senate Resolution No. 547, regarding the death of Rita Levon Wilson Carroll, St. Louis, which was adopted.

Senator Childers offered Senate Resolution No. 548, regarding Walker Powell, Reeds Spring, which was adopted.

Senator Childers offered Senate Resolution No. 549, regarding Nathan Rouse, Willow Springs, which was adopted.

Senator Childers offered Senate Resolution No. 550, regarding Tristen K. Wentling, Katterbach, Germany, which was adopted.

Senator House offered Senate Resolution No. 551, regarding Timothy Williams, St. Charles County, which was adopted.

Senator Loudon offered Senate Resolution No. 552, regarding Sharon Winifred Gaal, Glendale, which was adopted.

Senator Steelman offered Senate Resolution No. 553, regarding Janet Alexander, Newburg, which was adopted.

Senator Stoll offered Senate Resolution No. 554, regarding the Ninety-ninth Birthday of Sophie Schaefer, Arnold, which was adopted.

Senator Stoll offered Senate Resolution No. 555, regarding the Phi Theta Kappa's All-Missouri Academic Team and the Missouri Community College Association, which was adopted.

Senator Schneider offered Senate Resolution No. 556, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. James Wallace Knowles, Jr., Ferguson, which was adopted.

Senator Singleton requested unanimous consent of the Senate to strike **SR 58** from the calendar, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 5**, begs leave to report that it

has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 8**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 10**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 12**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SS No. 2 for **SCS** for **SBs 22** and **106**, introduced by Senator Singleton, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 22 and 106

An Act to repeal section 135.095, RSMo 2000, relating to prescription drugs for the elderly and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause for certain sections and a contingent termination date for a certain section.

Was taken up.

Senator Klarich assumed the Chair.

On motion of Senator Singleton, **SS No. 2** for **SCS** for **SBs 22** and **106** was read the 3rd time and passed by the

following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland-- 1			
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland-- 1			
Absent with leave--Senator Carter-- 1			

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 551, 410, 539, 528** and **296** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SCR 30** and **HS** for **HCR 6** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 89** and **37**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 89 and 37

An Act to repeal section 570.030, RSMo 2000, and to enact in lieu thereof nine new sections relating to the manufacture of methamphetamine, with penalty provisions.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SS** for **SCS** for **SBs 89** and **37** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bland	Quick	Scott	Staples--4
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 347** and **487**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 347 and 487

An Act to repeal section 137.100, RSMo 2000, relating to assessment and levy of property taxes, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SS** for **SCS** for **SBs 347** and **487** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons

Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators		
Bentley	Gross	Loudon	Steelman--4
	Absent--Senators--None		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SJR**s **1** and **4**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 757**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 642**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 954**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 226**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 226**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 226

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a life sciences research program.

Was taken up.

Senator Goode moved that **SCS** for **SB 226** be adopted.

Senator Goode offered **SS** for **SCS** for **SB 226** entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 226

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a life sciences research program.

Senator Goode moved that **SS** for **SCS** for **SB 226** be adopted.

Senator Rohrbach assumed the Chair.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 6, Section 192.1035, Line 4, by inserting after all of said line the following:

"192.1040. 1. Notwithstanding the provisions of section 192.1035, no tobacco settlement proceeds may be paid, granted, or used directly or indirectly to subsidize abortion services, unborn human tissue harvesting or human cloning.

2. For the purposes of this section:

- (1) "Abortion services", performing, assisting with, or referring for abortions, or encouraging or counseling patients to have abortions;**
- (2) "Human cloning", the replication of a human person by taking a cell with genetic material and cultivating such cell through the egg, embryo, fetal and newborn stages of development into a new human person;**
- (3) "Tobacco settlement proceeds", funds received by the state of Missouri from any award or settlement resulting from any dispute between the state and any company which manufactures, sells or promotes tobacco or tobacco products, including but not limited to the dispute encompassed by litigation in the Circuit Court of St. Louis City styled State of Missouri ex rel. Jeremiah W. (Jay) Nixon v. The American Tobacco Company, et al., case no. 972-1465;**
- (4) "Unborn child", the offspring of human beings from fertilization until birth and at every stage of biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus; and**
- (5) "Unborn human tissue harvesting", taking or utilizing the organs or tissue of a living unborn child for a purpose other than to preserve the life and benefit the health of that unborn child, taking or utilizing the organs or tissue of a deceased unborn child except when such child has expired in a spontaneous abortion or miscarriage and the parents have given informed consent for such use, or performing or assisting research or**

experimentation upon any unborn child with a purpose other than to preserve the life and benefit the health of that unborn child.

3. No tobacco settlement proceeds may be paid or granted to an organization or an affiliate of an organization that provides abortion services or unborn human tissue harvesting or human cloning. An organization that receives these funds may not display or distribute marketing materials about abortion services or unborn human tissue harvesting or human cloning to patients. An otherwise qualified organization shall not be disqualified from receipt of these funds because of its affiliation with an organization that provides abortion services or unborn human tissue harvesting or human cloning, provided that the affiliated organization that provides abortion services or unborn human tissue harvesting or human cloning is independent as determined by the conditions set forth in this section. To ensure that the state does not lend its imprimatur to abortion services or unborn human tissue harvesting or human cloning, and to ensure that an organization that provides abortion services or unborn human tissue harvesting or human cloning does not receive a direct or indirect economic or marketing benefit from these funds, an organization that receives these funds and its independent affiliate that provides abortion services or unborn human tissue harvesting or human cloning may not share any of the following:

(1) The same or similar name;

(2) Medical, laboratory, research or other facilities, including but not limited to business offices; treatment, consultation, examination, and waiting rooms; and laboratories;

(3) Expenses;

(4) Employee wages or salaries; or

(5) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment and office supplies.

An independent affiliate that provides abortion services or unborn human tissue harvesting or human cloning must be separately incorporated from any organization that receives these funds. An organization that receives these funds must maintain financial records that demonstrate strict compliance with this section and that demonstrate that its independent affiliate that provides abortion services or unborn human tissue harvesting or human cloning receives no direct or indirect economic or marketing benefit from these funds. An independent audit shall be conducted at least once every three years to ensure compliance with this section. If the organization is an affiliate of an organization which provides abortion services or unborn human tissue harvesting or human cloning, the independent audit shall be conducted at least annually. The audit shall be conducted by either an independent auditing firm retained by the department of health or by an independent auditing firm approved by the department and retained by an organization receiving these funds.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit in a circuit court of proper venue to enforce the provisions of this section.

5. Nothing in this section shall be construed to create or authorize any program, project, or contract which is not otherwise created or authorized by law. Nothing in this section shall be construed to permit or make lawful any conduct which is otherwise unlawful under the laws of this state."; and

Further amend the title and enacting clause accordingly.

Senator Childers moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 1**:

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Pages 5 and 6, Section 192.1035, Line 29 of page 5 and Lines 1-4 of page 6, by striking out all of said section and inserting in lieu thereof the following:

"192.1030. 1. Notwithstanding the provisions of sections 192.1010 to 192.1025, no grant awards shall be paid, granted, or used, to subsidize in whole or in part:

- (1) Abortion services; or**
- (2) Destructive human research; or**
- (3) Development of drugs or chemicals intended to be used to induce an abortion; or**
- (4) Human cloning.**

2. For the purposes of this section:

- (1) "Abortion services" shall mean performing or inducing, assisting in performing or inducing, or referring a woman for, an abortion;**
- (2) "Child" if in utero, shall mean the same as an unborn child, as defined in section 188.015, RSMo; and if ex utero, shall mean a human being at any of the stages of biological development of an unborn child from conception onward;**
- (3) "Destructive human research" shall mean research in which there is the taking or utilization of the organs, tissue or cellular material of a:**
 - (a) Deceased child, unless consent was given the manner provided pursuant to sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent caused the death of such child or consented to someone causing the death of such child; or**
 - (b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to such child, or when the purpose is to target such child for possible destruction in the future;**
- (4) "Facilities and administrative costs" shall mean those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;**
- (5) "Grant awards" shall mean awards of state funds pursuant to sections 192.1010 to 192.1030;**
- (6) "Human cloning" shall mean the replication of a human being genetically identical to another human being;**
- (7) "Research project" shall mean research specified in the grant award conducted under the auspices of the institution or institutions that applied for and received such grant award pursuant to sections 192.1010 to 192.1030, regardless of whether the research is funded in whole or part by such grant award. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease, and nutrition and food safety.**

3. No grant awards shall be paid or granted pursuant to sections 192.1010 to 192.1030 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, destructive human research, the development of drugs or chemicals intended to be used to induce an abortion or human cloning. A research project that receives a grant award shall not share costs with another research project, person or entity not qualified to receive a grant award pursuant to sections 192.1010 to 192.1030; provided, however, the

research project that receives a grant award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 192.1015 shall also certify compliance with this section.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the department of health, its officers or employees, in a circuit court of proper venue to enforce the provisions of this section.

5. Sections 192.1010 to 192.1030 shall not be construed to permit or make lawful any conduct that is otherwise unlawful under the laws of this state.

6. All of the provisions of sections 192.1010 to 192.1025 are severable; provided, however, the provisions of section 192.1030 are not severable from the provisions of sections 192.1010 to 192.1025. If any provision of sections 192.1010 to 192.1025 is found to be invalid, unenforceable or unconstitutional, the remaining provisions of sections 192.1010 to 192.1025 shall be and remain valid. However, if any provision of section 192.1030 shall be found to be invalid, unenforceable or unconstitutional, all the provisions of sections 192.1010 to 192.1025 shall be invalid and unenforceable."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above substitute amendment be adopted.

Senator Klarich offered SA 1 to SSA 1 for SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 2, Section 192.1030, Line 29, by adding at the end of said line, the following: "such research may also include research and development on product safety and preventative care technologies."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Klarich offered SA 2 to SSA 1 for SA 1, which was read:

SENATE AMENDMENT NO. 2 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 2, Section 192.1030, Line 7, by deleting the word "serious" on such line.

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, Childers, Kenney and Gibbons.

SA 2 to SSA 1 for SA 1 failed of adoption by the following vote:

YEAS--Senators

Cauthorn

Childers

Foster

Gibbons

Gross	House	Kenney	Klarich
Klindt	Russell	Steelman	Westfall--12
	NAYS--Senators		
Bentley	Bland	Caskey	DePasco
Dougherty	Goode	Jacob	Johnson
Kinder	Loudon	Mathewson	Quick
Schneider	Scott	Sims	Singleton
Stoll	Wiggins	Yeckel--19	
	Absent--Senators		
Rohrbach	Staples--2		
	Absent with leave--Senator Carter--1		

Senator Singleton offered **SA 3** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 3 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 1, Section 192.1030, Line 15, by adding following word "abortion" ", **except when necessary to save the life of the mother**".

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Goode, **SB 226**, with **SCS**, **SS** for **SCS**, **SA 1**, **SSA 1** for **SA 1** and **SA 3** to **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 207**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 207, Page 3, Section 313.835, Line 42, by deleting the word "and"; and

Further amend said bill, page 3, section 313.835, line 51, by inserting after the word commission, as it appears the second time on said line, the following: "; **and**

(f) For payment of Missouri National Guard and Missouri Veterans' Commission expenses associated with providing medals, medallions and certificates in recognition of service in the armed forces of the United States during World War II pursuant to Sections 42.170 to 42.190, RSMo".

On behalf of Senator Gibbons, Chairman of the Committee on Ways and Means, Senator Kenney submitted the

following reports:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 249** and **SB 523**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which were referred **SB 508** and **SB 468**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William J. Baker, Democrat, 12904 East 41st Terrace, Independence, Jackson County, Missouri 64055, as Chairman of the Jackson County Board of Election Commissioners, for a term ending April 2, 2002, and until his successor is duly appointed and qualified; vice, Thomas J. Walsh, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William Kent Blades, Republican, 23841 Route MM, Shelbina, Monroe County, Missouri 63468, as a member of the State Fair Commission, for a term ending December 29, 2004, and until his successor is duly appointed and qualified; vice, Brenda Lampton, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Morris Lee Brown, Republican, 21463 Westmoreland Road, Sedalia, Pettis County, Missouri 65301, as a member of the State Fair Commission, for a term ending December 29, 2002, and until his successor is duly appointed and qualified; vice, Lowell Mohler, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amy Sweeny Davis, Democrat, 5712 Wyandotte, Kansas City, Jackson County, Missouri 64113, as a public member of the Amusement Ride Safety Board, for a term ending April 17, 2006, and until her successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gwendolyn Grant, Democrat, 9909 East 90th Terrace, Kansas City, Jackson County, Missouri 64138, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2007, and until her successor is duly appointed and qualified; vice, Susanne Hoffman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James M. Harig, Republican, 106 Old Logging Road, Labadie, Franklin County, Missouri 63055, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William "Vim" F. Horn, Jr., 36500 Steinhauser, Sibley, Jackson County, Missouri 64088, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until his successor is duly appointed and qualified; vice, Diane Golden, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Hugh L. Mills, Jr., Republican, 11300 North Robinhood Lane, Kansas City, Platte County, Missouri 64154, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Darrell D. Nash, Democrat, 601 Cool Water Cove, Galena, Stone County, Missouri 65656, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2005, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John "Jack" Runyan, Democrat, 504 West 112th Street, Kansas City, Jackson County, Missouri 64114, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2006, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,

BOB HOLDEN

Governor

RESOLUTIONS

Senators Gross and House offered Senate Resolution No. 557, regarding Special Agent in Charge, Thomas Noble, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 558, regarding Special Agent Gerald Bell, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 559, regarding Special Agent Terrance McGinnis, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 560, regarding Special Agent Michael Johnson, St. Charles County, which was adopted.

Senator Foster offered Senate Resolution No. 561, regarding Lillian Smith, Kennett, which was adopted.

MESSAGES FROM THE GOVERNORThe following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 256 entitled:

"AN ACT"

To amend chapter 644, RSMo, by adding thereto four new sections relating to political subdivisions, with an emergency clause.

On April 17, 2001, I approved said Senate Bill No. 256.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, his son, Andrew, Mexico; and Andrew was made an honorary page.

Senator Klarich introduced to the Senate, his sons, Jonathan and Samuel, Ballwin; and Jonathan and Samuel were made honorary pages.

Senator Mathewson introduced to the Senate, Congressman Ike Skelton, Lexington.

Senator Schneider introduced to the Senate, students from St. John Newman School, North County St. Louis; and Jimmy Jaromack, Greg Keeven, Joel Korte and Joe Barks were made honorary pages.

Senator Schneider introduced to the Senate, students from Commons Lane Elementary School, North County St. Louis; and Tiara Brown-Crosen, Alison Scurry, Akeem Tate and Larry William were made honorary pages.

Senator Loudon introduced to the Senate, students from Pierremont Elementary School, Manchester; and John Eason, Dane Peterson, Linzy Shelton and Kayla Vandiver were made honorary pages.

Senator Gibbons introduced to the Senate, students from West County Christian School, St. Louis County; and Gina Becker, Mike Bierce, Lauren Way and Nathan Zide were made honorary pages.

Senator Wiggins introduced to the Senate, thirty eighth grade students from St. Francis Xavier Grade School, Kansas City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-SEVENTH DAY-WEDNESDAY, APRIL 18, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING HB 915-Graham, et al

HS for HB 891-Smith

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SCS for SBs 247 & 330-

Westfall and Staples

(In Budget Control)

SS for SCS for SBs 551, 410,

539, 528 & 296-Sims

(In Budget Control)

SCS for SBs 52 & 91-

Childers

(In Budget Control)

SS for SCS for SJRs 1

& 4-Schneider SENATE BILLS FOR PERFECTION

1. SB 369-Steelman and
Stoll, with SCS
2. SB 505-Loudon, with
SCS
3. SB 578-Goode and
Russell, with SCS
4. SBs 448 & 588-Sims,
et al, with SCS
5. SB 535-Rohrbach, with
SCS
6. SB 66-Gibbons, with
SCS#2
7. SB 525-Cauthorn, with
SCS
8. SB 242-Kenney
9. SB 225-Mathewson,
with SCS
10. SB 180-Klarich
11. SB 583-Yeckel
12. SB 488-Klindt, et al,
with SCS
13. SB 387-Goode, et al,
with SCS
14. SB 455-Kinder, et al,
with SCS
15. SBs 334 & 228-Kinder,
with SCS

16. SB 469-Gross, et al
17. SB 546-Kenney, et al,
with SCS
18. SB 337-House and Kinder
19. SB 593-Klindt, with SCS
20. SB 509-Cauthorn and
Klindt
21. SBs 42 & 108-Kenney,
with SCS
22. SB 565-Staples
23. SB 596-Loudon
24. SB 597-Singleton
25. SB 268-Schneider, with SCS
26. SBs 249 & 523-Wiggins,
with SCS
27. SBs 508 & 468-
Cauthorn and Klindt,
with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 274, with
SCA 1 (Klindt)
2. HB 1-Green (Russell)
3. HCS for HB 2, with SCS
(Russell)
4. HCS for HB 3, with
SCS (Russell)

5. HCS for HB 4, with

SCS (Russell)

6. HCS for HB 5, with

SCS (Russell)

7. HCS for HB 6, with

SCS (Russell)

8. HCS for HB 7, with

SCS (Russell)

9. HCS for HB 8, with

SCS (Russell)

10. HCS for HB 9, with

SCS (Russell)

11. HCS for HB 10, with

SCS (Russell)

12. HCS for HB 11, with

SCS (Russell)

13. HCS for HB 12, with

SCS (Russell)

14. HCS for HB 207, with

SCA 1

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SB 226-Goode, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & SA 3

to SSA 1 for SA 1

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 & SSA 3

for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with SCS

& SS for SCS (pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SBs 476, 427 & 62-Yeckel,

et al, with SCS, SS for

SCS & SA 1 (pending)

SBs 510, 512 & 133-Kenney,

with SCS (pending)

SJR 11-Yeckel

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with
SCS

House Bills

Reported 4/10

HB 664-Skaggs (Yeckel)

HB 491-George, with SCS

(Goode)

HB 236-Smith, with SCS

(Caskey)

HB 266-Treadway (Gross)

HB 745-Farnen (Mathewson)

HB 180-Thompson, et al

(Sims)

HB 129-Van Zandt and

Campbell (Klarich)

HB 48-Relford (Mathewson)

HB 801-Liese and Wagner,

with SCS (Yeckel)

HB 218-Farnen, et al

(Kenney)

Reported 4/11

HB 454-Monaco (Dougherty)

HB 537-Ostmann, et al (Klarich)

HB 603-Hilgemann, et al,

with SCS (Sims)

HB 212-Ward, with SCS

(Rohrbach)

HB 644-Burton, with SCS

(Jacob)

HB 459-Liese, et al, with

SCS

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,
with SCS (Klarich)

HB 955-Green (73), with
SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and
Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al
(Wiggins)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and
Vogel, with SCS
(Rohrbach)

HB 742-Harding, et al,
with SCS (Johnson)

HB 922-Gaskill and
Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh
(Bentley)

HB 596-Kennedy and
Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface

(Singleton)

HB 408-Kelley (47)

(Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor (Gross)

Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 285-Riback Wilson, et al

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,

with SCAs 1 & 2

(Staples)

HB 945-Hosmer, with SCS

(Bentley)

HB 420-Williams, et al

(Westfall)

HB 458-Lawson, et al

(Klindt)

HB 470-Shields and

Hegeman (Johnson)

HBs 648, 477 & 805-

Ostmann, et al, with

SCS (Westfall)

HB 691-Barnett, et al,

with SCS (Klindt)

HB 897-Kreider, et al

(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al

(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with

SCS

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS (Foster)

HB 904-Merideth, et al,
with SCS (Foster)

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS
(Russell)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3
& SSA 1 for SA 3
(pending)

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SEVENTH DAY--WEDNESDAY, APRIL 18, 2001

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

A southern gentleman was asked how one could identify George Washington among the members of the Continental Congress. He said: "George Washington is the man who kneels when the Continental Congress stops to pray."

Almighty God, may we be known as people of prayer, those who humble themselves in service to God and mankind. Let us not forget whom we truly serve and who has given us the calling to our positions of responsibility. May our God keep us mindful and humble of our place before Him. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 562, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William H. Lewis, Amsterdam, which was adopted.

Senator Kenney offered Senate Resolution No. 563, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Burford, Canon City, Colorado, which was adopted.

Senator Kenney offered Senate Resolution No. 564, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill McCasland, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 565, regarding James Lucas Angotti, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 566, regarding Chap David Banks, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 567, regarding Alex Ray Burner, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 568, regarding Ryan Russell Crowe, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 569, regarding Justin Robert Story, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 570, regarding Jared Douglas Thate, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 571, regarding Sheldon Mark Williams, Lee's Summit, which was adopted.

Senator Jacob offered Senate Resolution No. 572, regarding Jennifer Smith, Columbia, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 476**, **SB 427** and **SB 62**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 7, Section 115.027, Line 21 of said page, by striking the word "state" and inserting in lieu thereof the following: "**local county**"; and further amend line 23 of said page, by striking the following: "The state committee of such"; and further amend lines 24-25 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, page 8, line 10 of said page, by striking the word "state" and inserting in lieu thereof the following: "**county**"; and

Further amend said bill, page 11, Section 115.087, lines 29-31 of said page, by striking all of said lines; and

Further amend said bill and section, page 12, lines 1-3 of said page, by striking all of said lines; and further amend line 4 of said page, by striking "3." and inserting in lieu thereof the following: "**2.**"; and

Further amend said bill, page 12, Section 115.089, lines 12-13 of said page, by striking all of the underlined language from said lines; and

Further amend said bill, page 67, Section 115.645, lines 13-23 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, pages 68-69, Section 115.648, by striking all of said section from said bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Yeckel requested a division of the question on the adoption of **SA 2**, asking that a vote first be taken on the portion of the amendment dealing with pages 7, 8, 11 and 12; and that a second vote be taken on the portion of the amendment dealing with pages 67, 68 and 69, which request was granted.

Senator Yeckel requested that a roll call vote be taken on Part 1 and Part 2 of **SA 2** and was joined in her request by Senators Childers, Gibbons, Loudon and Rohrbach.

Senator Caskey moved that Part 1 of **SA 2** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Caskey	Dougherty	Goode
House	Jacob	Mathewson	Quick
Schneider	Scott	Stoll	Wiggins--12
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		
Absent--Senators			
DePasco	Johnson	Staples--3	
Absent with leave--Senator Carter--1			

Part 2 of **SA 2** was taken up.

Senator Caskey moved that Part 2 of **SA 2** be adopted, which motion failed by the following vote:

YEAS--Senators			
Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Klarich	Mathewson	Quick	Schneider
Scott	Wiggins--14		
NAYS--Senators			
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klindt	Loudon	Rohrbach	Russell
Singleton	Steelman	Stoll	Westfall
Yeckel--17			
Absent--Senators			
Sims	Staples--2		
Absent with leave--Senator Carter--1			

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 70, Section 115.826, Line 9 of said page, by inserting immediately after said line the following:

"162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in sub-section 4 of this section**, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 70, Section 115.826, Line 9 of said page, by inserting immediately after said line the following:

"162.203. 1. Board members initially elected or appointed [under] **pursuant to** section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district. **Beginning August 28, 2001, no board member shall file, or be allowed to file, for reelection until such board member has:**

(1) **Completed the orientation and training required pursuant to this section; and**

(2) **Shown proof of such completion to the appropriate election authority.**

2. All programs providing the orientation and training required [under the provisions of] **pursuant to** this section shall

be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 4** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 4 was again taken up.

At the request of Senator Yeckel, **SB 476**, **SB 427** and **SB 62**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 15** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 15**.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SJR 1** and **4**; **HCS** for **HB 207**, with **SCA 1**; and **HB 218** to the Committee on State Budget Control.

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 780 and 781 of the Senate Journal for Tuesday, April 17, 2001, to the Committee on Gubernatorial Appointments.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 573, regarding Carnahan-White, Inc., Springfield, which was adopted.

Senator Quick offered Senate Resolution No. 574, regarding Joshua Brunkhorst, Platte City, which was adopted.

Senator Quick offered Senate Resolution No. 575, regarding Matthew Brunkhorst, Platte City, which was adopted.

Senator Quick offered Senate Resolution No. 576, regarding Brian James Crane, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 577, regarding Brett Michael Harding, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 578, regarding Joseph Daniel Kinate, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 579, regarding Timothy Joseph "Tim" Kingsbury, Kansas City, which was adopted.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 15**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL NO. 15

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 15, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 15.
2. That the House recede from its position on House Committee Substitute for House Bill No. 15.
3. That the attached Conference Committee Substitute for House Bill No. 15, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Yvonne S. Wilson
/s/ Chuck Graham
/s/ Ken Legan
/s/ Charlie Shields

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	DePasco
Dougherty	Foster	Goode	Gross
House	Jacob	Johnson	Kinder
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins--23	
	NAYS--Senators		
Gibbons	Kenney	Klarich	Klindt
Loudon	Singleton	Yeckel--7	
	Absent--Senators		
Bentley	Childers	Staples--3	
	Absent with leave--Senator Carter--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 15**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 15

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2001.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Goode
Gross	House	Jacob	Kenney
Kinder	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins--24
NAYS--Senators			
Gibbons	Klarich	Klindt	Loudon
Singleton	Yeckel--6		
Absent--Senators			
Bentley	Johnson	Staples--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

HB 1, introduced by Representative Green, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

On motion of Senator Russell, **HB 1** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Caskey--1			

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 2**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 2** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 13, Section 2.225, Lines 2-5, by deleting "15,279,899" and replacing in lieu thereof "20,879,899"; and further amend said section, by deleting on line 4 "16,079,418 E" and replace in lieu thereof "24,479,418"; and further amend said section by deleting "31,359,317" in Line 5 and replacing in lieu thereof "45,359,317".

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, **SA 1** was withdrawn.

Senator Rohrbach assumed the Chair.

President Maxwell assumed the Chair.

Senator Bland offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 10, Section 2.160, Line 3, by deleting line 3 in its entirety; and further amend line 4, by deleting "926,548" and replace in lieu thereof "180,000"; and further amend said section, page 11, line 6, by deleting "3,358,548" and replacing in lieu thereof "2,612,000".

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Cauthorn, Childers, Kenney and Klarich.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bland	DePasco	Johnson	Quick
Schneider--5			
NAYS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Kenney
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
Absent--Senators			
Kinder	Scott--2		
Absent with leave--Senator Carter--1			

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 3, Section 2.020, Lines 4-6 and 27, by deleting lines 4 through 6 and replacing in lieu thereof one billion, six hundred seventy-eight million, six hundred seventeen thousand, Nine hundred sixty-six (1,678,617,966); and

Further amend said section, by deleting "1,972,725,417" in line 27 and replacing in lieu "1,956,509,607".

Senator Schneider moved that the above amendment be adopted.

Senator Steelman offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2, Page 2, Section 2.015, Line 7, by deleting "\$20,000,000" and replacing it with "\$5,000,000".

Senator Steelman moved that the above substitute amendment be adopted, which motion failed.

SA 3 was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HCS** for **HB 2** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 2** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senator Bland--1		
	Absent--Senator Dougherty--1		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 3**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 3** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 3, Page 6, Section 3.145, Line 4, by deleting said line and replacing in lieu thereof the following: "\$99,806,594"; and

Further amend said section, by deleting "\$152,764,434" in Line 19 and replacing in lieu thereof "\$153,072,427".

Senator House moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HCS** for **HB 3** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 3** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Scott--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 4**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the

Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 4** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 5**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

Senator Singleton assumed the Chair.

SCS for **HCS** for **HB 5**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 5

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among

certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 5** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 5** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 6**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to

transfer money among certain funds, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 6** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 22, Section 6.372, by deleting Section 6.372 from the Bill, and further adjusting the totals on page 26 accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Pages 18-19, Section 6.305, Lines 3-10, by deleting said lines.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 6, Page 5, Section 6.060, Line 3, by deleting "2,082,684" and replacing it with "2,112,684"; and further amend Line 27, Page 6, by deleting "83.00 FTE" and replacing it with "85.00 FTE" and change bill totals accordingly.

Senator Schneider moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Russell moved that **SCS** for **HCS** for **HB 6**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 6**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Gross--1

Absent--Senators

Klarich	Mathewson	Sims--3
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The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 7**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 7**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 7** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Pages 5-6, Section 7.055, by deleting said section and replacing it with the following new section:

"Section 7.055. To the Department of Economic Development

There is transferred out of the State Treasury,

chargeable to the General Revenue Fund, Three Million, Seven Thousand, One Hundred and Forty Dollars (\$3,007,140) to the

Missouri Supplemental Tax Increment

Financing Fund

From General Revenue \$3,007,140"; and

Further amend said bill, Page 6, Section 7.060, Line 6, after the word "Hotel," by adding the following:

"Kirksville Downtown Improvement District,"; and

Further amend Section 7.060, Line 14, by deleting said line and adding the following:

"From Missouri Supplemental Tax Increment

Financing Fund (0 FTE) \$3,007,140".

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

Senator Cauthorn offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 7, Pages 5-6, Section 7.055, by deleting said section and replacing it with the following new section:

"Section 7.055. To the Department of Economic

Development

There is transferred out of the State Treasury,

chargeable to the General Revenue Fund, Two

Million, Nine Hundred Ninety Thousand, Four

Hundred and Two Dollars (\$2,990,402) to the

Missouri Supplemental Tax Increment Financing Fund

From General Revenue \$2,990,402"; and

Further amend said bill, Page 6, Section 7.060, Line 6, after the word "Hotel," by adding the following:

"Kirksville Downtown Improvement District,"; and

Further amend Section 7.060, Line 14, by deleting said line and adding the following:

"From Missouri Supplemental Tax Increment

Financing Fund (0 FTE) \$2,990,402".

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HCS** for **HB 7** be adopted , which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 7** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Bland

Caskey

Cauthorn

Childers

DePasco

Dougherty

Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Scott--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 8**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 8**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Rohrbach assumed the Chair.

Senator Russell moved that **SCS** for **HCS** for **HB 8** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 8** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach

Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Jacob	Scott--3	
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 882**, entitled:

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo 2000, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

April 18, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Ronnie DePasco to serve on the Joint Committee on Gaming and Wagering (RSMo 313.001).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

April 18, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Ken Jacob to serve on the Joint Committee on Gaming and Wagering (RSMo 313.001).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

Also,

April 18, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator John Loudon to serve on the Joint Committee on Gaming and Wagering (RSMo 313.001).

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Max and Emily Mitchell, Sedalia; and Emily was made an honorary page.

Senator Childers introduced to the Senate, Matt Franker, Kirksville.

Senator Bentley introduced to the Senate, Dwight Jones, Genie Marberry, Generose Brandt, Mr. and Mrs. Wyman Blakeman, Karen Cooper, Jim Blaine, M.D. and Norm Knowlton, M.D., Springfield.

Senator Bentley introduced to the Senate, seventy-two fourth grade students and adults from Sherwood Elementary School, Springfield.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Gerald Moritz, M.D., Bridgeton.

Senator Klindt introduced to the Senate, Lawrence Cline, Grant City; Monica Patton, Ravenwood; and Lisa Goedken, Conception Junction.

Senator Klindt introduced to the Senate, Velma Trentham, Judi Bolander, Mari Harper, adults and sixteen seventh grade students from Meadville R-IV School, Meadville.

On behalf of Senator Klarich, the President introduced to the Senate, his sons, Jonathan and Samuel Klarich, Ballwin; and Jonathan and Samuel were made honorary pages.

Senator Rohrbach introduced to the Senate, members of the Senior Government Class from Prairie Home High School, Prairie Home.

Senator Yeckel introduced to the Senate, Diane Gray, Christine Bierman, Beverly Spiller, Ann Ross, Carmen Jacob, Lanear Rhodes, Paula Young, Sharon Piles, Linda Jacobsen, Suzanne Magee-Joyce, Janet Poppen, Heather Sanders, Donna Wolfersberger, Judy Blives, Bill Kay and Mary Stock, St. Louis County.

On behalf of Senator Klarich, the President introduced to the Senate, former State Senator Irene Treppler and Deb Sheals, St. Louis County.

Senator Gross introduced to the Senate, his mother, Margaret Gross, St. Peters; and Carol Emison, St. Charles.

Senator Kenney introduced to the Senate, Betsy Allgeyer, Donna Porter, P.J. Hord, Becca Roberts, Trish Hughes, Sharon McInerney and Mary Ann Crawford, Kansas City.

Senator Loudon introduced to the Senate, William A. Kay, Jr., St. Louis County.

Senator Singleton introduced to the Senate, the Joplin Chamber of Commerce.

Senator Yeckel introduced to the Senate, students from St. Catherine Labore School, St. Louis County; and George Fuchs, Marissa Nasland, Katie Powell and Nick Schiro were made honorary pages.

Senator Wiggins introduced to the Senate, Ed Rucker, Dorothy Curry and Wadandra McBride, Kansas City.

Senator Kenney introduced to the Senate, Tammy Coleman, Independence.

Senator Kinder introduced to the Senate, sixth grade students and teachers from Oak Ridge School District, Cape Girardeau County.

Senator Mathewson introduced to the Senate, Fred Mills and fifty representatives of Grain Valley Day at the Capitol.

Senator Gibbons introduced to the Senate, Edith Spink and Marianne Rober, St. Louis County.

Senator House introduced to the Senate, his brother and his sister-in-law, Harvey and Lois House, Grain Valley.

Senator Childers introduced to the Senate, former State Senator, Judge Jeff Schaeperkoetter, Owensville.

Senator Yeckel introduced to the Senate, Cindy Herbig, St. Louis County; and Georg Waidhauser, Sarah Scholz, Anne Schauer and Alexandra Glaser, Germany; and Georg, Sarah, Anne and Alexandra were made honorary pages.

Senator Gibbons introduced to the Senate, Bob Mathis and Cindy Herbig, St. Louis County; Andy Jachmann, Germany; Lucas Costa, Brazil; Vanessa Rocha, Columbia; and Louis Gillucaux, Belgium; and Andy, Lucas, Vanessa and Louis were made honorary pages.

Senator Caskey introduced to the Senate, Steven Barker, Clinton; and Steven was made an honorary page.

Senator Westfall introduced to the Senate, Brandt Shields, St. Joseph; and Brandt was made an honorary page.

On behalf of Senator Klindt and himself, Senator Staples introduced to the Senate, former State Senator, Congressman Sam B. Graves, Tarkio.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

FIFTY-EIGHTH DAY-THURSDAY, APRIL 19, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 915-Graham, et al

HS for HB 891-Smith

HS for HB 882-Crump

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SCS for SBs 247 & 330-

Westfall and Staples

(In Budget Control)

SS for SCS for SBs 551, 410,

539, 528 & 296-Sims

(In Budget Control)

SCS for SBs 52 & 91-Childers

(In Budget Control)

SS for SCS for SJRs 1

& 4-Schneider

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 369-Steelman and

Stoll, with SCS

2. SB 505-Loudon, with SCS

3. SB 578-Goode and
Russell, with SCS
4. SBs 448 & 588-Sims,
et al, with SCS
5. SB 535-Rohrbach, with SCS
6. SB 66-Gibbons, with SCS#2
7. SB 525-Cauthorn, with SCS
8. SB 242-Kenney
9. SB 225-Mathewson,
with SCS
10. SB 180-Klarich
11. SB 583-Yeckel
12. SB 488-Klindt, et al,
with SCS
13. SB 387-Goode, et al,
with SCS
14. SB 455-Kinder, et al,
with SCS
15. SBs 334 & 228-Kinder,
with SCS
16. SB 469-Gross, et al
17. SB 546-Kenney, et al, with SCS
18. SB 337-House and Kinder
19. SB 593-Klindt, with SCS
20. SB 509-Cauthorn and Klindt
21. SBs 42 & 108-Kenney,
with SCS
22. SB 565-Staples

23. SB 596-Loudon

24. SB 597-Singleton

25. SB 268-Schneider,
with SCS

26. SBs 249 & 523-Wiggins,
with SCS

27. SBs 508 & 468-Cauthorn
and Klindt, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 274, with
SCA 1 (Klindt)

HCS for HB 9, with SCS
(Russell)

HCS for HB 10, with SCS
(Russell)

HCS for HB 11, with SCS
(Russell)

HCS for HB 12, with SCS
(Russell)

HCS for HB 207, with SCA 1
(In Budget Control)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and
Westfall, with SCS, SS
for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS
SBs 67 & 40-Gross, with
SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,
SS for SCS & SA 1
(pending)

SB 184-Johnson, et al,
with SS#2 (pending)

SB 222-Caskey, with SA 3
& SSA 1 for SA 3
(pending)

SB 226-Goode, et al, with
SCS, SS for SCS, SA 1,
SSA 1 for SA 1 & SA 3
to SSA 1 for SA 1
(pending)

SBs 238 & 250-Staples, et
al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 & SSA 3

for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SBs 476, 427 & 62-Yeckel,

et al, with SCS, SS for

SCS & SA 4 (pending)

SBs 510, 512 & 133-Kenney,

with SCS (pending)

SJR 11-Yeckel

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/10

HB 664-Skaggs (Yeckel)

HB 491-George, with SCS

(Goode)

HB 236-Smith, with SCS

(Caskey)

HB 266-Treadway (Gross)

HB 745-Farnen (Mathewson)

HB 180-Thompson, et al

(Sims)

HB 129-Van Zandt and

Campbell (Klarich)

HB 48-Relford (Mathewson)

HB 801-Liese and Wagner,
with SCS (Yeckel)

HB 218-Farnen, et al

(Kenney)

(In Budget Control)

Reported 4/11

HB 454-Monaco (Dougherty)

HB 537-Ostmann, et al

(Klarich)

HB 603-Hilgemann, et al,

with SCS (Sims)

HB 212-Ward, with SCS

(Rohrbach)

HB 644-Burton, with SCS

(Jacob)

HB 459-Liese, et al, with

SCS (Rohrbach)

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,

with SCS (Klarich)

HB 955-Green (73), with

SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and

Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al

(Wiggins)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and

Vogel, with SCS

(Rohrbach)

HB 742-Harding, et al,

with SCS (Johnson)

HB 922-Gaskill and

Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh

(Bentley)

HB 596-Kennedy and

Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface (Singleton)

HB 408-Kelley (47)

(Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor (Gross)

Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 285-Riback Wilson, et al

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,
with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS
(Bentley)

HB 420-Williams, et al
(Westfall)

HB 458-Lawson, et al
(Klindt)

HB 470-Shields and
Hegeman (Johnson)

HBs 648, 477 & 805-
Ostmann, et al, with
SCS (Westfall)

HB 691-Barnett, et al,
with SCS (Klindt)

HB 897-Kreider, et al
(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al
(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with
SCS (Rohrbach)

HB 606-Kennedy, et al,
with SCS (Yeckel)

HB 202-Rizzo, with SCS (Kenney)

HB 242-Smith, with SCS (House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-EIGHTH DAY--THURSDAY, APRIL 19, 2001

The Senate met pursuant to adjournment.

Senator Rohrbach in the Chair.

Reverend Carl Gauck offered the following prayer:

"In regard to the moral character generally of our ancestors, the settlers of New England, my opinion is that they possessed all the Christian virtues but charity; and they seem never to have doubted that they possessed that also." (Daniel Webster, October 14, 1826)

Loving Lord, we pray that this day and coming weekend You will bestow upon us a charitable love that lubricates our varied relationships in life. May our love be soothing for those we live with, bringing harmony and deep caring for one another. And we would pray, help us have a sense of charity as we minister to those in our state who stand in need of our help and what we have to offer. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Kenney moved that the Senate Journal for Wednesday, April 18, 2001, be corrected on Page 793, Column 1, Line 7, by deleting said line and inserting in lieu thereof the following: "**HOUSE BILLS ON THIRD READING**", which motion prevailed.

On motion of Senator Kenney, the Journal for Wednesday, April 18, 2001, was read and approved as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 580, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clete Heidbreder, Lohman, which was adopted.

Senator Kenney offered Senate Resolution No. 581, regarding Ray Hildebrand, Overland Park, Kansas, which was adopted.

Senator Kenney offered Senate Resolution No. 582, regarding Paul Land, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 583, regarding Alan Goforth, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 584, regarding R.S.V.P. Productions, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 585, regarding the First National Bank of Missouri, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 586, regarding Keith A. Asel, Lee's Summit, which was adopted.

Senator Klindt offered Senate Resolution No. 587, regarding Larry Howard, Brookfield, which was adopted.

Senator Klindt offered Senate Resolution No. 588, regarding Scharlotte Liebhart, Brookfield, which was adopted.

Senator Rohrbach offered Senate Resolution No. 589, regarding Shaun Callaway, Boonville, which was adopted.

Senator Rohrbach offered Senate Resolution No. 590, regarding Rick White, Eldon, which was adopted.

Senator Wiggins offered Senate Resolution No. 591, regarding Ms. Flora Nunley, Kansas City, which was adopted.

Senator Staples offered Senate Resolution No. 592, regarding Judge Bockman, Birch Tree, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Westfall, Chairman of the Committee on Transportation, Senator Kenney submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 954**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Lori Smith Patterson, as a member of the Missouri Women's Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Lynne P. Unnerstall, as a member of the Missouri Head Injury Advisory Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Klarich moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of James W. Casey, as a member of the Missouri Head Injury Advisory Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Rohrbach, Senator Kenney moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Pamela J. Schneeflock, as a member of the Missouri Planning Council on Developmental Disabilities, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Johnson moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Margaret Ewing Buckler, as a member of the Personnel Advisory Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Lonnie M. Boyd, as a member of the Organ Donation Advisory Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Childers moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Susan K. Orton, as a member of the Missouri Head Injury Advisory Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Loudon moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Lori R. Darr, as a member of the Organ Donation Advisory Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 9**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 9An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, the Board of Public Buildings, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 9** be adopted.

Senators Schneider and Klarich offered the following substitute motion, which was read:

SUBSTITUTE MOTION

Such Senators move that **SCS** for **HBs 9** through **12** be returned to the Senate Committee on Appropriations for the purpose of increasing the appropriation for state employee compensation by approximately \$32 million or in such amount as would be sufficient to provide an increase in compensation of \$600 per employee for FY 2002 and to further consider, if necessary, moving the Senate to reconsider **SCS** for **HBs 2** through **8** in order to consider reducing appropriations to other agencies as may be necessary to fund such increase in compensation for state employees.

Senator Schneider moved that the above substitute motion be adopted, which motion failed.

Senator Klarich assumed the Chair.

SCS for **HCS** for **HB 9** was again taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 9** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 9** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senator Staples--1			
Absent--Senator Bland--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 15**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Klarich assumed the Chair.

HOUSE BILLS ON THIRD READING

HCS for **HB 10**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 10**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 10An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 10** be adopted.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 34, Section 10.715, Lines 1 to 27, by striking all of said section and inserting in lieu thereof the following:

"Section 10.715. To the Department of Health

For the Division of Maternal, Child and Family Health

For the purpose of funding alternatives to abortion

services, consisting of services or counseling

offered to a pregnant woman and continuing

for one year thereafter, to assist her in carrying

her unborn child to term instead of having an

abortion, and to assist her in caring for her

dependent child or placing her child for

adoption, including, but not limited to, the

following: prenatal care; medical and mental

health care; parenting skills; drug and alcohol

testing and treatment; child care; newborn or

infant care; housing; utilities; educational

services; food, clothing and supplies relating to

pregnancy, newborn care and parenting;

adoption assistance; job training and placement;

establishing and promoting responsible

paternity; ultrasound services; case manage-

ent; domestic abuse protection; transportation;

and administrative costs of service providers in

an amount generally allowed for service

providers in state contracts. Actual provision

and delivery of such services shall be

dependent on client needs and not otherwise

prioritized by the department. Such services

shall be available only during pregnancy and

continuing for one year thereafter, and shall

exclude any service of the type described in
Section 10.710. An independent audit shall be
conducted annually to ensure compliance with
this section. None of these funds shall be
expended to perform or induce, assist in the
performing or inducing of, or refer for,
abortions; and none of these funds shall be
granted to organizations or affiliates of
organizations that perform or induce, assist in
the performing or inducing of, or refer for,
abortions.

From General Revenue

Fund (0 F.T.E.) \$1,000,000".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 13, Section 10.370, Line 11, by deleting the number "1,826,518" and inserting in lieu thereof the number "1,978,669"; and

Further amend said section, line 13, by deleting the number "\$1,944,068" and inserting in lieu thereof the number "\$2,096,219"; and

Further amend said section, line 14, by deleting the figure "(255.25 FTE)" and inserting in lieu thereof the figure "(258.75)" and deleting the number "\$9,696,594" and inserting in lieu thereof the number "\$9,848,745".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 15, Section 10.415, Line 4, by deleting the number "68,527,778" and inserting in lieu thereof the number "78,766,577"; and

Further amend said section, line 9, by deleting the number "20,147,071" and inserting in lieu thereof the number "22,931,683"; and

Further amend said section, line 17, by deleting the number "3,714,965" and inserting in lieu thereof the number "4,228,427"; and

Further amend said section, line 19, by deleting the number "1,282,007" and inserting in lieu thereof the number "1,459,199"; and

Further amend said section, line 22, by deleting the number "114,629,970" and inserting in lieu thereof the number "128,344,035"; and

Further amend said bill, page 16, Section 10.425, line 5, by deleting the number "1,336,412" and inserting in lieu thereof the number "2,466,932"; and

Further amend said section line 6, by deleting the number "2,430,407" and inserting in lieu thereof the number "3,560,927"; and

Further amend said section line 11, by deleting the number "21,502,984" and inserting in lieu thereof the number "22,633,504".

Senator House moved that the above amendment be adopted.

Senator Gibbons assumed the Chair.

At the request of Senator Russell, **HCS** for **HB 10**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 5**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HS** for **HCR 6**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 10**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 24

WHEREAS, recent high fuel prices have alerted us to the need to improve our nation's policies on fuel production; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) has recently suggested that they will reduce crude oil production again in an attempt to manipulate prices; and

WHEREAS, reductions in crude oil production have resulted in sharp increases in prices for natural gas, gasoline and home heating oil; and

WHEREAS, the United States has become dangerously dependent on foreign petroleum; and

WHEREAS, with natural gas selling at record highs, the production of reformulated gasolines containing MTBE, an additive made from natural gas, has been significantly reduced, resulting in shortages of reformulated gasoline in regions of the country dependent on the use of such gasoline blends to meet the federal government's antipollution standards; and

WHEREAS, Missouri consumers are experiencing higher prices at the pump and in home heating costs, and the economic stability of many areas of the state which rely on tourism may be jeopardized if the number of persons traveling to Missouri's vacation destinations is significantly reduced due to increased gasoline prices; and

WHEREAS, the trucking industry, heavily dependent on the availability and price of gasoline and diesel fuel, has been especially hard hit by the increase in fuel cost that have resulted in a significant increase in the transportation costs associated with the delivery of consumer goods throughout the state. Such an increase in cost to the trucking industry will inevitably be passed along to consumers as an increase in the price of consumer goods; and

WHEREAS, the increased petroleum fuel costs is particularly detrimental to Missouri family farmers because it comes at a time when overall market prices are low; and

WHEREAS, fuel prices could be reduced by increasing domestic production and encouraging the development of markets for products that can be used as the source material for renewable alternative fuels:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to actively address the issue of fuel prices and take immediate actions necessary to reduce our nation's dependency on foreign petroleum sources and boost our own economy by:

- (1) Encouraging exploration for domestic petroleum sources in a manner that does not adversely impact the environment;
- (2) Encouraging and creating incentives for fuel conservation measures that do not harm the economy; and
- (3) Encouraging and creating incentives for research, development and use of solar and other alternative fuel sources, including ethanol and other fuels made from renewable materials that would not only reduce our dependency on foreign petroleum, but also have the potential to improve environmental protection and boost local economies; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate and each member of the Missouri Congressional delegation.

HOUSE BILLS ON THIRD READING

Senator Russell moved that **HCS** for **HB 10**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 was again taken up.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Rohrbach, Russell, Steelman and Westfall.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bland	Cauthorn	Gibbons	House
Jacob	Loudon	Stelman--7	
NAYS--Senators			
Bentley	Caskey	Childers	DePasco
Dougherty	Foster	Goode	Gross
Johnson	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton

Staples	Stoll	Westfall	Wiggins
Yeckel--25			
	Absent--Senator Schneider-- 1		
	Absent with leave--Senator Carter-- 1		

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 10, Page 31, Section 10.710, Lines 63-69, by striking all of said lines and inserting in lieu thereof the word "funds."; and further amend said bill and section, page 32, lines 115-121, by striking all of said lines and inserting in lieu thereof the words "these funds."; and further amend said bill and section, pages 33-34, lines 161-169, by striking all of said lines and inserting in lieu thereof the words "government entity receiving these funds.".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HCS** for **HB 10**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 10**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senator Bland-- 1		
	Absent--Senators--None		
	Absent with leave--Senator Carter-- 1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 11**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for HCS for HB 11, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 11 An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS for HCS for HB 11** be adopted.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 20, Section 11.400, Line 6, by deleting the number "3,790,339" and inserting in lieu thereof the number "3,947,347"; and further amend said section, line 7, by deleting the number "489,467" and inserting in lieu thereof the number "544,822"; and further amend said section, line 8, by deleting the number "4,279,806" and inserting in lieu thereof the number "4,492,169"; and further amend said section, line 9, by deleting the number "4,777,753" and inserting in lieu thereof the number "4,934,761"; and further amend said section, line 10, by deleting the number "6,214,508" and inserting in lieu thereof the number "6,269,863"; and further amend said section, line 11, by deleting the number "10,992,261" and inserting in lieu thereof the number "11,204,624"; and further amend said section, page 21, line 33, by deleting the number "18,587,268" and inserting in lieu thereof the number "19,011,944".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 20, Section 11.400, Line 2, by inserting immediately after line 2, the following:

"For the purpose of funding administrative services including".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 11, Section 11.130, Line 3, by adding after the word "staff" the following:

"; provided that the division may use up to \$350,000 for the purpose of contracting with community-based not-for-profit agencies which are certified by a recognized national body and which demonstrate a record of providing successful job placement, training and retention services to implement a retention program to address turnover in offices in the Metropolitan St. Louis Region."

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 11, Page 22, Section 11.420, Line 6, by deleting the number "236,446,984" and inserting in lieu thereof the number "236,538,457"; and further amend said section, line 7, by deleting the number "445,178,996" and inserting in lieu thereof the number "445,423,082"; and further amend said section, line 10, by deleting the number "729,114,031" and inserting in lieu thereof the number "729,449,590"; and further amend said bill, Section 11.425, line 8, by deleting the number "87,089,486" and inserting in lieu thereof the number "87,186,699" and further amend said section, line 9, by deleting the number "147,235,261" and inserting in lieu thereof the number "147,494,661" and further amend said section, line 11, by deleting the number "235,572,291" and inserting in lieu thereof the number "235,928,904"; and further amend said bill, Section 11.450, line 12, by deleting the number "30,771,949" and inserting in lieu thereof the number "30,775,005"; and further amend said section, line 13, by deleting the number "50,520,306" and inserting in lieu thereof the number "50,528,459"; and further amend said section, line 15, by deleting the number "81,487,136" and inserting in lieu thereof the number "81,498,345"; and further amend said bill, Section 11.460, line 5, by deleting the number "24,519,569" and inserting in lieu thereof the number "24,658,958"; and further amend said section, line 6, by deleting the number "276,239,615" and inserting in lieu thereof the number "276,611,559"; and further amend said section, line 11, by deleting the number "450,987,337" and inserting in lieu thereof the number "451,498,670"; and further amend said bill, Section 11.510, line 5, by inserting immediately after said line the following new line:

"From General Revenue Fund \$7,057";

and further amend said section, line 6, by deleting the number "185,175,927E" and inserting in lieu thereof the number "185,194,756E"; and further amend said section, line 6, by inserting immediately after said line, the following new line:

"Total (0 F.T.E.) \$185,201,813".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HCS** for **HB 11**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 11**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Johnson--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for HB 12, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for HCS for HB 12, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 12An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS for HCS for HB 12** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 12, In the Title, Line 12, by inserting after the word "Assembly," the following: "salary increases and related fringe benefit increases for all state employees,"; and further amend said bill, page 18, Section 12.430, line 3, by adding one new section to read as follows:

"Section 12.435. To the Board of Fund

Commissioners, Board of Public Buildings,

Department of Elementary and Secondary

Education, Department of Higher Education,

Department of Revenue, Department of Transportation, the Office of Administration, Department of Agriculture, Department of Natural Resources, Department of Conser-vation, Department of Economic Development, Department of Insurance, Department of Labor and Industrial Relations, Department of Public Safety, Department of Corrections, Department of Mental Health, Department of Health, Department of Social Services, the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, and Attorney General, the State Senate, and the House of Representatives

For state employee salary increases and related fringe benefits
From Healthy Families Trust Fund \$44,800,000".

Senator Schneider moved that the above amendment be adopted, which motion failed.

Senator Russell moved that **SCS** for **HCS** for **HB 12** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 12** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Caskey	Cauthorn	Steelman--3	
Absent--Senator Johnson--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 915--Judiciary.

HS for **HB 891**--Financial and Governmental Organization, Veterans' Affairs and Elections.

REFERRALS

President Pro Tem Kinder referred **HB 321**; **HB 808** and **HB 951**, with **SCS**; and **HB 742**, with **SCS**, to the Committee on State Budget Control.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 593, regarding Janet Dunham, O'Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 594, regarding the Fort Zumwalt School District, which was adopted.

Senator Gross offered Senate Resolution No. 595, regarding Mick's Exterminating, O'Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 596, regarding Cindy Goldschmidt, O'Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 597, regarding Stefanina's Restaurant, O'Fallon, which was adopted.

Senator Bland offered Senate Resolution No. 598, regarding the Honorable Maxine Waters, Congresswoman from south central Los Angeles, California, which was adopted.

Senators DePasco and Schneider offered Senate Resolution No. 599, regarding Michael F. Garozzo, Lee's Summit, which was adopted.

Senator Gross offered Senate Resolution No. 600, regarding Bernice H. Schulte, O'Fallon, which was adopted.

Senator Gross offered Senate Resolution No. 601, regarding Bradley W. Goodloe, St. Peters, which was adopted.

Senator Klindt offered the following resolution:

SENATE RESOLUTION NO. 602

WHEREAS, the national economy and financial markets have begun to experience significant slowing; and

WHEREAS, the federal government is taking an ever larger percentage of taxes from working Americans and American businesses; and

WHEREAS, President George Bush last year campaigned on the need for a substantial federal tax cut for all Americans; and

WHEREAS, the Missouri Senate strives to responsibly reflect the community spirit and job creation attitudes of main street America; and

WHEREAS, the Missouri Senate has long advocated market-based solutions as well as efficiencies in the spending of state and federal governments; and

WHEREAS, the Missouri Senate believes that reducing marginal rates on all taxpayers will bolster confidence, put disposable income in the hands of consumers and stimulate economic growth; and

WHEREAS, the Missouri Senate, with this resolution, is joining as a leader of the Tax Relief Coalition, a rapidly growing group of several hundred

trade associations, chambers of commerce, businesses and citizens groups that advocate for the general components of President Bush's 2001 tax package; and

WHEREAS, the United States Congress is currently considering the first substantial, broad-based income tax reduction in almost a decade:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Regular Session, hereby urge the Missouri delegation of the United States House of Representatives and the United States Senate to support a tax cut that is:

- (1) Clean, fair and substantial - close to the 10-year \$1.6 trillion package that the President is currently proposing, including reductions in marginal tax rates and the number of tax brackets for all Americans, elimination of the estate tax to ease the planning burdens and multiple taxation on millions of small businesses, doubling the child tax credit, and reducing the marriage penalty;
- (2) Retroactive to the beginning of this year, to immediately restore consumer confidence and jump-start our economy;
- (3) Devoid of gimmicks such as triggers and other devices designed to delay the tax cut from occurring, which would be a burden on small businesses and all taxpayers; and
- (4) Not turned into an overburdened tax vehicle to create credits and loopholes for special interests in Washington, D.C.; and

BE IT FURTHER RESOLVED that the members of the Missouri Senate, urge the Missouri delegation of the United States House of Representatives and the United States Senate to act quickly on this proposal, and to work with the President in a bipartisan manner to attempt to get a substantial tax package signed into law before July 1, 2001; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for United States Senator Christopher S. Bond, United States Senator Jean Carnahan, United States Representative William (Lacy) Clay, Jr., United States Representative Todd Akin, United States Representative Richard Gephardt, United States Representative Ike Skelton, United States Representative Karen McCarthy, United States Representative Samuel Graves, United States Representative Roy D. Blunt, United States Representative Jo Ann Emerson and United States Representative Kenny Hulshof.

Senator Gibbons offered Senate Resolution No. 603, regarding Pachyderm's Founder's Week, which was adopted.

COMMUNICATIONS

Senator Cauthorn submitted the following:

April 19, 2001

Secretary of the Senate

Terry L. Spieler

State Capitol

Jefferson City, MO 65101

To the Secretary of the Senate,

I respectfully request under the provisions of Senate Rule 45, that HB 285 be removed from the consent calendar and returned to committee.

Respectfully Submitted,

/s/ John Cauthorn

Senator John Cauthorn

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, forty seventh grade students from St. Gerard Majella School, Kirkwood.

Senator Yeckel introduced to the Senate, Walt and Gail Morrow and Paula and Ron Novak, St. Louis County.

Senator Schneider introduced to the Senate, students from Wedgewood Elementary School, St. Louis County; and Eric Tirone, Ellen Colvin, Hannah Hall and Crystal Cuevas were made honorary pages.

Senator Westfall introduced to the Senate, Tom Howard, Kelly Nolting and fifteen FFA members from Nevada.

Senator Caskey introduced to the Senate, Katie Dyer and forty seventh and eighth grade students from Cass Midway School, Cleveland.

Senator Stoll introduced to the Senate, twenty-five students from St. Joseph's School, Imperial; and Hannah Kennedy was made an honorary page.

Senator Goode introduced to the Senate, Don Holt, Carol Scott, Jane Kerlagon, Robert Ruble and students representing the Workforce Investment Act Youth Program of St. Louis County; and Jarrett North, Aaron Lowe, Stacy Edwards and Byron Cole were made honorary pages.

Senator Sims introduced to the Senate, Linda Morgan, Alexia Cech, Ashley Huntington, Kayla Morgan, Shamari Jackson, Heather Brown, Janay Landon, Bianca Davis, Valerie Huntington, Brittany Wilson, Rosallyn Martinez and Tierra Perkins, members of Girl Scout Troop 1010 from Holman Elementary School, St. Louis; and Alexia, Kayla, Heather, Bianca, Valerie and Rosallyn were made honorary pages.

Senator Quick introduced to the Senate, Ms. Arianne Fortune and members of the Oak Park High School Debate and Forensics Team, Kansas City; and Kevin Garner, Wade Thomas, Matt Appling, Ashley King and Brian Gould were made honorary pages.

Senator Cauthorn introduced to the Senate, Kathy Apprill and forty students from Queen of the Holy Rosary School, Overland Park, Kansas.

Senator Schneider introduced to the Senate, students from Danforth Elementary School, North St. Louis County; and Makina Palmer, Antonio Wells, India Davis and Jeremy Edwards were made honorary pages.

Senator Schneider introduced to the Senate, Emily Dunn, Ashley and Emily Marston, Olivia Thornton, Susan Schneider and students from McCurdy Elementary School, Florissant.

On motion of Senator Kenney, the Senate adjourned until 2:00 p.m., Monday, April 23, 2001.

SENATE CALENDAR

FIFTY-NINTH DAY-MONDAY, APRIL 23, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 882-Crump

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SCS for SBs 247 & 330-

Westfall and Staples

(In Budget Control)

SS for SCS for SBs 551, 410,

539, 528 & 296-Sims

(In Budget Control)

SCS for SBs 52 & 91-Childers

(In Budget Control)

SS for SCS for SJRs 1

& 4-Schneider

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 369-Steelman and

Stoll, with SCS

2. SB 505-Loudon, with SCS

3. SB 578-Goode and
Russell, with SCS
4. SBs 448 & 588-Sims,
et al, with SCS
5. SB 535-Rohrbach, with SCS
6. SB 66-Gibbons, with SCS#2
7. SB 525-Cauthorn, with SCS
8. SB 242-Kenney
9. SB 225-Mathewson,
with SCS
10. SB 180-Klarich
11. SB 583-Yeckel
12. SB 488-Klindt, et al,
with SCS
13. SB 387-Goode, et al,
with SCS
14. SB 455-Kinder, et al,
with SCS
15. SBs 334 & 228-Kinder,
with SCS
16. SB 469-Gross, et al
17. SB 546-Kenney, et al,
with SCS
18. SB 337-House and
Kinder
19. SB 593-Klindt, with SCS
20. SB 509-Cauthorn and Klindt

21. SBs 42 & 108-Kenney,

with SCS

22. SB 565-Staples

23. SB 596-Loudon

24. SB 597-Singleton

25. SB 268-Schneider,

with SCS

26. SBs 249 & 523-Wiggins,

with SCS

27. SBs 508 & 468-Cauthorn

and Klindt, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 274, with

SCA 1 (Klindt)

HCS for HB 207, with

SCA 1 (Childers)

(In Budget Control)

HB 954-Hosmer

(Westfall)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1

(pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SB 226-Goode, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & SA 3

to SSA 1 for SA 1

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,
with SCS

SB 375-Steelman, with SCS,
SS for SCS, SA 1 &
SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

SB 438-Bentley and Stoll,
with SS, SS for SS &
SA 1 (pending)

SB 445-Singleton, with
SCS & SS for SCS (pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-
Westfall, with SCS &
SS for SCS (pending)

SBs 476, 427 & 62-Yeckel,
et al, with SCS, SS for
SCS & SA 4 (pending)

SBs 510, 512 & 133-Kenney,
with SCS (pending)

SJR 11-Yeckel

CONSENT CALENDAR

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/10

HB 664-Skaggs (Yeckel)

HB 491-George, with SCS

(Goode)

HB 236-Smith, with SCS

(Caskey)

HB 266-Treadway (Gross)

HB 745-Farnen (Mathewson)

HB 180-Thompson, et al (Sims)

HB 129-Van Zandt and

Campbell (Klarich)

HB 48-Relford (Mathewson)

HB 801-Liese and Wagner,

with SCS (Yeckel)

HB 218-Farnen, et al

(Kenney)

(In Budget Control)

Reported 4/11

HB 454-Monaco (Dougherty)

HB 537-Ostmann, et al

(Klarich)

HB 603-Hilgemann, et al,

with SCS (Sims)

HB 212-Ward, with SCS

(Rohrbach)

HB 644-Burton, with SCS

(Jacob)

HB 459-Liese, et al, with

SCS (Rohrbach)

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,

with SCS (Klarich)

HB 955-Green (73), with

SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and

Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al

(Wiggins)

(In Budget Control)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and

Vogel, with SCS

(Rohrbach)

(In Budget Control)

HB 742-Harding, et al,

with SCS (Johnson)

(In Budget Control)

HB 922-Gaskill and

Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh

(Bentley)

HB 596-Kennedy and

Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface (Singleton)

HB 408-Kelley (47)

(Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor (Gross)

Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,

with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS

(Bentley)

HB 420-Williams, et al

(Westfall)

HB 458-Lawson, et al

(Klindt)

HB 470-Shields and

Hegeman (Johnson)

HBs 648, 477 & 805-

Ostmann, et al, with

SCS (Westfall)

HB 691-Barnett, et al,

with SCS (Klindt)

HB 897-Kreider, et al

(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al

(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with

SCS (Rohrbach)

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

To be Referred

SR 602-Klindt

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 5-Mays

HS for HCR 6-Myers

(Kenney)

HCR 10-Holand

HCR 24-Boucher, with SCS

(Yeckel)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY--MONDAY, APRIL 23, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"That which had not been told them they shall see." (Isaiah 52:15)

Gracious God, we are grateful for our safe passage through rain and wind to take up our responsibilities here once again. We are so mindful that this is a very public arena and even those things that are done quietly are made known. Let our actions and our words always speak the truth and be nothing that we are ever ashamed of. Bless us with Your presence and guide our every waking step. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 19, 2001, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

On behalf of Senator Carter, Senator Quick offered Senate Resolution No. 604, regarding the Brothers and Sisters of the 1st and 5th Masonic Districts, which was adopted.

Senator Yeckel offered Senate Resolution No. 605, regarding Brian Edward Swink, Sunset Hills, which was adopted.

Senator Mathewson offered Senate Resolution No. 606, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard A. Ditzfeld, Sedalia, which was adopted.

Senator Mathewson offered Senate Resolution No. 607, regarding Douglas Kueker, Sweet Springs, which was adopted.

Senator Mathewson offered Senate Resolution No. 608, regarding the One Hundred Twentieth Anniversary of the Yokum Chapel African Methodist Episcopal Church, Malta Bend, which was adopted.

Senator Steelman offered Senate Resolution No. 609, regarding Shelia Snider, Newburg, which was adopted.

Senators Kinder and Scott, joined by the entire membership of the Senate, offered Senate Resolution No. 610, regarding the St. Louis Cardinals Baseball Team, which was adopted.

Senator Schneider offered Senate Resolution No. 611, regarding Monica G. Danganan, Florissant, which was adopted.

Senator Childers offered Senate Resolution No. 612, regarding the One Hundred Fiftieth Anniversary of Stone County, which was adopted.

Senator Childers offered Senate Resolution No. 613, regarding James David Hopper, Branson, which was adopted.

Senator Bentley offered Senate Resolution No. 614, regarding the Lady Bears Basketball Team from Southwest Missouri State University, Springfield, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SR 602** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 369**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 369**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 369

An Act to amend chapter 67, RSMo, by adding thereto ten new sections relating to utility access to public rights-of-way, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 369** be adopted.

Senator Steelman offered **SS** for **SCS** for **SB 369**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 369

An Act to amend chapter 67, RSMo, by adding thereto ten new sections relating to utility access to public rights-of-way, with an emergency clause.

Senator Steelman moved that **SS** for **SCS** for **SB 369** be adopted.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 4, Section 67.1830, Line 1 of said page, by inserting after the phrase "the use" the following: "**or rent**"; and

Further amend said bill, Page 5, Section 67.1830, Line 11 of said page, by striking the word "and"; and further amend line 14, by inserting after "right-of-way;" the following: "**and**

(g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way;"; and

Further amend said bill, Page 8, Section 67.1834, Line 11 of said page, by inserting after "permit." the following: "**Every right-of-way user to whom a right-of-way permit has been granted shall guarantee for a period of one year the restoration of the right-of-way in the area where such right-of-way user conducted excavation.**".

Senator Steelman moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 4, Section 67.1830, Lines 1-2 of said page, by striking all of said lines and inserting in lieu thereof the following: "**user for the use of the public right-of-way unless the right-of-way user receives a credit for all gross receipts and franchise taxes paid to the political subdivision or any costs as outlined in paragraphs (a) to**"; and

Further amend said bill and section, page 5, line 11 of said page, by striking the word "and"; and further amend line 14 of said page, by inserting at the end of said line the following: "**and**

(g) Establish street degradation fees to cover the reduction in the useful life of the right-of-way caused by each excavation if such fees are paid by all users of the right-of-way including the political subdivision and are dedicated to street replacement;".

Senator Goode moved that the above substitute amendment be adopted.

Senator Klarich raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

At the request of Senator Goode, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

Senator Stoll offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 4, Section 67.1830, Line 1 of said page, by inserting after the phrase "the use" the following: "**or rent**"; and

Further amend said bill, Page 5, Section 67.1830, Line 11 of said page, by striking the word "and"; and further amend line 14, by inserting after "right-of-way;" the following: "**and**

(g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way;"; and

Further amend said bill, Page 8, Section 67.1834, Line 11 of said page, by inserting after "permit." the following: "**Every right-of-way user to whom a right-of-way permit has been granted shall guarantee for a period of two**

years the restoration of the right-of-way in the area where such right-of-way user conducted excavation."

Senator Stoll moved that the above substitute amendment be adopted.

Senator Caskey offered **SA 1 to SSA 2 for SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 1, Line 13, by deleting "**two years**" and inserting in lieu thereof "**four years**".

Senator Caskey moved that the above amendment be adopted.

Senator Steelman raised the point of order that **SA 1 to SSA 2 for SA 1** is out of order in that it is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 to SSA 2 for SA 1 was again taken up.

President Pro Tem Kinder assumed the Chair.

Senator Caskey moved that **SA 1 to SSA 2 for SA 1** be adopted, which motion prevailed.

SSA 2 for SA 1, as amended, was again taken up.

Senator Stoll moved that the above substitute amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 4, Section 67.1830, Lines 1-2 of said page, by striking ", degradation of the public right-of-way" and inserting in lieu thereof the following: "**unless the right-of-way user receives a credit for all gross receipts and franchise taxes paid to the political subdivision**"; and

Further amend said bill and section, page 5, line 11 of said page, by striking the word "and"; and further amend line 14 of said page, by inserting at the end of said line the following: "**and**

(h) Establish street degradation fees to cover the reduction in the useful life of the right-of-way caused by each excavation if such fees are paid by all users of the right-of-way including the political subdivision and are dedicated to street replacement;".

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 15, Section 67.1846, Line 7 of said page, by inserting at the end of said line the following: "**Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from charging public utility right-of-way users based on the number of linear feet used when the public utility right-of-way user is not paying a gross receipts tax. Nothing in sections 67.1830 to 67.1846 shall prohibit a city not within a county from requiring public utility right-of-way users to obtain permission from the political subdivision to use the public utility right-of-way.**".

Senator Dougherty moved that the above amendment be adopted, which motion failed.

Senator Gibbons assumed the Chair.

Senator Caskey offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 1, Section 67.320, Lines 5-10 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Gibbons offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 14, Section 67.1846, Line 28 of said page, by striking the following: "December 31, 2000" and inserting in lieu thereof the following: "**the effective date of this act**"; and further amend page 15, line 3 of said page, by striking the following: "December 31, 2000" and inserting in lieu thereof the following: "**the effective date of this act**".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Steelman moved that **SS** for **SCS** for **SB 369**, as amended, be adopted, which motion prevailed.

Senator Steelman moved that **SS** for **SCS** for **SB 369**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. She was joined in her request by Senators Kenney, Loudon, Mathewson and Sims.

SS for **SCS** for **SB 369**, as amended, was declared perfected and ordered printed by the following vote:

YEAS--Senators			
Cauthorn	Foster	Gibbons	Gross
House	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Sims	Staples	Steelman	Stoll
Yeckel--17			
NAYS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Goode	Jacob
Johnson	Mathewson	Quick	Scott
Singleton	Westfall	Wiggins--15	

Absent--Senator Schneider--1

Absent with leave--Senator Carter--1

Senator Loudon moved that **SB 505**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 505**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 505

An Act to repeal section 287.020, RSMo 2000, relating to workers' compensation, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS** for **SB 505** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 505, Page 2, Section 287.020, Line 23, by inserting immediately after all of said line the following:

"A lessor or contractor shall be responsible to make sure to carry workers' compensation insurance or to ensure that owner-operators are covered by workers' compensation insurance."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 505, Page 3, Section 287.020, Line 85, by inserting after said line the following:

"287.160. 1. Except as provided in section 287.140, no compensation shall be payable for the first three days or less of disability during which the employer is open for the purpose of operating its business or enterprise unless the disability shall last longer than fourteen days. If the disability lasts longer than fourteen days, payment for the first three days shall be made retroactively to the claimant.

2. Compensation shall be payable as the wages were paid prior to the injury, but in any event at least once every two weeks. If an injured employee claims benefits pursuant to this section, an employer may, if the employee agrees in writing, pay directly to the employee any benefits due pursuant to section 287.170. The employer shall continue such payments until the insurer starts making the payments or the claim is contested by any party. Where the claim is found to be compensable the employer's workers' compensation insurer shall indemnify the employer for any payments made pursuant to this subsection. If the employee's claim is found to be fraudulent or noncompensable, after a hearing, the employee shall reimburse the employer, or the insurer if the insurer has indemnified the employer, for any benefits received either by a:

(1) Lump sum payment;

(2) Refund of the compensation equivalent of any accumulated sick or disability leave;

(3) Payroll deduction; or

(4) Secured installment plan. If the employee is no longer employed by such employer, the employer may garnish the employee's wages or execute upon any property, except real estate, of the employee. Nothing in this subsection shall be construed to require any employer to make payments directly to the employee.

3. Where weekly benefit payments that are not being contested by the employer or his insurer are due, and if such weekly benefit payments are made more than [thirty] **fifteen** days after becoming due, the weekly benefit payments that are late shall be increased by ten percent simple interest per annum **from the date when due until paid. No interest shall accrue until fifteen days after the entry of the award by the administrative law judge.** [Provided, however, that if such claim for weekly compensation is contested by the employee, and the employer or his insurer have not paid the disputed weekly benefit payments or lump sum within thirty days of when the administrative law judge's order becomes final, or from the date of a decision by the labor and industrial relations commission, or from the date of the last judicial review, whichever is later, interest on such disputed weekly benefit payments or lump sum so ordered, shall be increased by ten percent simple interest per annum beginning thirty days from the date of such order. Provided, however, that if such claims for weekly compensation are contested solely by the employer or insurer, no interest shall be payable until after thirty days after the award of the administrative law judge. The state of Missouri or any of its political subdivisions, as an employer, is liable for any such interest assessed against it for failure to promptly pay on any award issued against it under this chapter.] **Interest shall be due fifteen days after an award of the administrative law judge unless and to the extent the award may otherwise be modified upon review by the commission or appeal to an appellate court.**

4. Compensation shall be payable in accordance with the rules given in sections 287.170, 287.180, 287.190, 287.200, 287.240, and 287.250.

5. The employer shall not be entitled to credit for wages or such pay benefits paid to the employee or his dependents on account of the injury or death except as provided in section 287.270."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 2 was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 505, Page 3, Section 287.020, Line 85, by inserting after said line the following:

"Section 1. The governor shall not direct any person to serve in a temporary capacity as a member of the Labor and Industrial Relations Commission."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 505, Page 3, Section 287.020, Line 85, by inserting immediately after said line the following:

"287.210. 1. After an employee has received an injury he shall from time to time thereafter during disability submit to reasonable medical examination at the request of the employer, his insurer, **the state if there is a second injury claim,** the commission, the division or an administrative law judge, the time and place of which shall be fixed with due regard to the convenience of the employee and his physical condition and ability to attend. The employee may have his own physician present, and if the employee refuses to submit to the examination, or in any way obstructs it, his right to compensation shall be forfeited during such period unless in the opinion of the commission the circumstances justify the refusal or obstruction.

2. The commission, the division or administrative law judge shall, when deemed necessary, appoint a duly qualified impartial physician to examine the injured employee, and any physician so chosen, if he accepts the appointment, shall promptly make the examination requested and make a complete medical report to the commission or the division in such duplication as to provide all parties with copies thereof. The physician's fee shall be fair and reasonable, as provided in subsection 3 of section 287.140, and the fee and other reasonable costs of the impartial examination may be paid as other costs under this chapter. If all the parties shall have had reasonable access thereto, the report of the physician shall be admissible in evidence.

3. The testimony of any physician who treated or examined the injured employee shall be admissible in evidence in any proceedings for compensation under this chapter, but only if the medical report of the physician has been made available to all parties as in this section provided. Immediately upon receipt of notice from the division or the commission setting a date for hearing of a case in which the nature and extent of an employee's disability is to be determined, the parties or their attorneys shall arrange, without charge or costs, each to the other, for an exchange of all medical reports, including those made both by treating and examining physician or physicians, to the end that the parties may be commonly informed of all medical findings and opinions. The exchange of medical reports shall be made at least seven days before the date set for the hearing and failure of any party to comply may be grounds for asking for and receiving a continuance, upon proper showing by the party to whom the medical reports were not furnished. If any party fails or refuses to furnish the opposing party with the medical report of the treating or examining physician at least seven days before such physician's deposition or personal testimony at the hearing, as in this section provided, upon the objection of the party who was not provided with the medical report, the physician shall not be permitted to testify at that hearing or by medical deposition.

4. Upon request, an administrative law judge, the division, or the commission shall be provided with a copy of any medical report.

5. As used in this chapter the terms "physician's report" and "medical report" mean the report of any physician made on any printed form authorized by the division or the commission or any complete medical report. As used in this chapter the term "complete medical report" means the report of a physician giving the physician's qualifications and the patient's history, complaints, details of the findings of any and all laboratory, X-ray and all other technical examinations, diagnosis, prognosis, nature of disability, if any, and an estimate of the percentage of permanent partial disability, if any. An element or elements of a complete medical report may be met by the physician's records.

6. Upon the request of a party, the physician or physicians who treated or are treating the injured employee shall be required to furnish to the parties a rating and complete medical report on the injured employee, at the expense of the party selecting the physician, along with a complete copy of the physician's clinical record including copies of any records and reports received from other health care providers.

7. The testimony of a treating or examining physician may be submitted in evidence on the issues in controversy by a complete medical report and shall be admissible without other foundational evidence subject to compliance with the

following procedures. The party intending to submit a complete medical report in evidence shall give notice at least sixty days prior to the hearing to all parties and shall provide reasonable opportunity to all parties to obtain cross-examination testimony of the physician by deposition. The notice shall include a copy of the report and all the clinical and treatment records of the physician including copies of all records and reports received by the physician from other health care providers. The party offering the report must make the physician available for cross-examination testimony by deposition not later than seven days before the matter is set for hearing, and each cross-examiner shall compensate the physician for the portion of testimony obtained in an amount not to exceed a rate of reasonable compensation taking into consideration the specialty practiced by the physician. Cross-examination testimony shall not bind the cross-examining party. Any testimony obtained by the offering party shall be at that party's expense on a proportional basis, including the deposition fee of the physician. Upon request of any party, the party offering a complete medical report in evidence must also make available copies of X rays or other diagnostic studies obtained by or relied upon by the physician. Within ten days after receipt of such notice a party shall dispute whether a report meets the requirements of a complete medical report by providing written objections to the offering party stating the grounds for the dispute, and at the request of any party, the administrative law judge shall rule upon such objections upon pretrial hearing whether the report meets the requirements of a complete medical report and upon the admissibility of the report or portions thereof. If no objections are filed the report is admissible, and any objections thereto are deemed waived. Nothing herein shall prevent the parties from agreeing to admit medical reports or records by consent. [The provisions of this subsection shall not apply to claims against the second injury fund.]

8. Certified copies of the proceedings before any coroner holding an inquest over the body of any employee receiving an injury in the course of his employment resulting in death shall be admissible in evidence in any proceedings for compensation under this chapter, and it shall be the duty of the coroner to give notice of the inquest to the employer and the dependents of the deceased employee, who shall have the right to cross-examine the witness.

9. The division or the commission may in its discretion in extraordinary cases order a postmortem examination and for that purpose may also order a body exhumed." ; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Loudon moved that **SCS** for **SB 505**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 505**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt

SCS for HCS for HB 4 and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 5** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 6**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 7** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 8** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 9** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 10**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 11**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS for HCS for HB 12** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10**, as amended; **SCS for HCS**

for **HB 11**, as amended; and **SCS** for **HCS** for **HB 12** to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 2**; **SCS** for **HCS** for **HB 3**; **SCS** for **HCS** for **HB 4**; **SCS** for **HCS** for **HB 5**; **SCS** for **HCS** for **HB 6**, as amended; **SCS** for **HCS** for **HB 7**; **SCS** for **HCS** for **HB 8**; **SCS** for **HCS** for **HB 9**; **SCS** for **HCS** for **HB 10**, as amended; **SCS** for **HCS** for **HB 11**, as amended; and **SCS** for **HCS** for **HB 12**, and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to a vacant office:

Norman B. Harty, Republican, 1035 Rannells Street, Dexter, Stoddard County, Missouri 63841, as a member of the House Apportionment Commission; vice, Representative Mark Richardson, declined to accept an appointment to the House Apportionment Commission on April 2, 2001.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 19, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to a vacant office:

Allison London Smith, Republican, 8064 County Road 5010, West Plains, Howell County, Missouri 65775, as a member of the Senate Apportionment Commission; vice, Representative Mark Richardson, declined to accept an appointment to the Senate Apportionment Commission on April 2, 2001.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles "Gil" Copley, 14 Plymouth Court, St. Charles, St. Charles County, Missouri 63304, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Teresa Jan Finn, 901 Southwest Loula Lane, Lee's Summit, Jackson County, Missouri 64081, as a member of the Organ Donation Advisory Committee, for a term ending December 12, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald J. Gralike, 1675 F. Blue Ridge Drive, St. Louis, St. Louis County, Missouri 63125, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ben L. Kessler, Republican, 10687 Country View Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James E. Tuscher, 4497 Laclede Place, St. Louis City, Missouri 63108, as a member and chairperson of the Governor's Council on Disabilities, for a term ending October 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel L. Vornberg, 556 Purdue, St. Louis, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 20, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald J. Walkenbach, 407 Pyrenes Drive, Columbia, Boone County, Missouri 65203, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald "Brad" Bedell, Republican, 123 Greenbriar, Sikeston, Scott County, Missouri 63801, as a member of the Board of Regents for Southeast Missouri State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Sarah Long, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John L. Evans, Republican, 3789 Southeast Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael L. Gray, 2548 North State Highway F, Ash Grove, Greene County, Missouri 65604, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, for a term ending September 28, 2004, and until his successor is duly appointed and qualified; vice, Richard J. Barr, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger L. Gregory, Democrat, 2418 Kleager Road, Cuba, Gasconade County, Missouri 65453, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 23, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Vicky L. Weimholt, 715 Peachtree, Jefferson City, Cole County, Missouri 65101, as a member of the Personnel Advisory Board, for a term ending July 13, 2002, and until her successor is duly appointed and qualified; vice, Daniel S. Ross, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10**, as amended; **SCS for HCS for HB 11**, as amended; and **SCS for HCS for HB 12**: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 615, regarding Gregory A. Pottberg, Fort Osage, which was adopted.

Senators Johnson and Bentley offered the following resolution:

SENATE RESOLUTION NO. 616

WHEREAS, April is National Autism Awareness Month; and

WHEREAS, autism is a complex developmental disability that typically appears during the first three years of life in one of every 500 children; and

WHEREAS, autism knows no racial, ethnic, social, economic, or educational boundaries; and

WHEREAS, children diagnosed with autism can learn and function productively and can show gains when given the appropriate education and treatment; and

WHEREAS, there exists a need for further exploration of the causes of autism and the involvement of the state in providing support for families affected by autism:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, that a Committee on Autism be created to study the causes, effects, and implications of autism on Missouri's children and their families and to explore

and develop effective methods of assistance for those affected by autism; and

BE IT FURTHER RESOLVED that the Committee shall be composed of eight members, appointed by the President Pro Tem of the Senate, including two Republican Senators, two Democrat Senators, a representative of the Department of Health, a representative of the Department of Social Services, a representative of the Department of Mental Health, and a representative of the Department of Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that said committee shall elect a chair and shall prepare a report as necessary and submit it to the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee shall be paid from the Senate Contingent Fund.

Senator Cauthorn offered Senate Resolution No. 617, regarding Lauren Keller, Mexico, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Aaron Sydow, Sharon Allgood, Karen Johannaber, Chery Bright, Nancy DeOrnellis, Stacy Dye, Tracy Thomas, Carla Hunt, Gail Gamboa, Tracy Windmann, Carrie Burke and thirty-nine fourth grade students from Paris.

Senator Staples introduced to the Senate, Bryon, Ginger and Bailey Gruben, Summersville; and Bailey was made an honorary page.

Senator Scott introduced to the Senate, members of the St. Louis Cardinals Baseball Organization: Mark McGwire, Andy Benes, Albert Pujols, Mike Matheny, Ray Lankford, J.D. Drew, Jim Edmonds, Tony LaRussa, Manager, and Walt Jocketty, General Manager.

On behalf of Senator Kinder, the President introduced to the Senate, representatives of the St. Louis Cardinals Baseball Organization: Owners William DeWitt, Jr., Andrew Baur, David Pratt and Fred Hanser; Mark Lamping, President; Walt Jocketty, General Manager; and Tim Hanser and William DeWitt, III, Club Executives.

Senator Klarich introduced to the Senate, Barbara Quigley, R.N., M.A., Chesterfield; and Nigel M. de S. Cameron, Reston, Virginia.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTIETH DAY-TUESDAY, APRIL 24, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 882-Crump

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SCS for SBs 247 & 330-

Westfall and Staples

(In Budget Control)

SS for SCS for SBs 551,

410, 539, 528 & 296-Sims

(In Budget Control)

SCS for SBs 52 & 91-Childers

(In Budget Control)

SS for SCS for SJRs 1

& 4-Schneider

(In Budget Control) SENATE BILLS FOR PERFECTION

1. SB 578-Goode and

Russell, with SCS

2. SBs 448 & 588-Sims,

et al, with SCS

3. SB 535-Rohrbach, with SCS

4. SB 66-Gibbons, with SCS#2

5. SB 525-Cauthorn, with SCS

6. SB 242-Kenney

7. SB 225-Mathewson,

with SCS

8. SB 180-Klarich

9. SB 583-Yeckel

10. SB 488-Klindt, et al,

with SCS

11. SB 387-Goode, et al,

with SCS

12. SB 455-Kinder, et al,

with SCS

13. SBs 334 & 228-Kinder,

with SCS

14. SB 469-Gross, et al

15. SB 546-Kenney, et al,

with SCS

16. SB 337-House and Kinder

17. SB 593-Klindt, with SCS

18. SB 509-Cauthorn and Klindt

19. SBs 42 & 108-Kenney,

with SCS

20. SB 565-Staples

21. SB 596-Loudon

22. SB 597-Singleton

23. SB 268-Schneider,

with SCS

24. SBs 249 & 523-Wiggins,

with SCS

25. SBs 508 & 468-Cauthorn

and Klindt, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 274, with

SCA 1 (Klindt)

HCS for HB 207, with

SCA 1 (Childers)

(In Budget Control)

HB 954-Hosmer (Westfall) INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SB 226-Goode, et al, with

SCS, SS for SCS, SA 1,

SSA 1 for SA 1 & SA 3

to SSA 1 for SA 1

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al, with SCS

& SS for SCS (pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 &

SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SBs 476, 427 & 62-Yeckel,
et al, with SCS, SS for
SCS & SA 4 (pending)
SBs 510, 512 & 133-Kenney,
with SCS (pending)
SJR 11-Yeckel

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/10

HB 664-Skaggs (Yeckel)

HB 491-George, with SCS

(Goode)

HB 236-Smith, with SCS

(Caskey)

HB 266-Treadway (Gross)

HB 745-Farnen (Mathewson)

HB 180-Thompson, et al (Sims)

HB 129-Van Zandt and

Campbell (Klarich)

HB 48-Relford (Mathewson)

HB 801-Liese and Wagner,

with SCS (Yeckel)

HB 218-Farnen, et al

(Kenney)

(In Budget Control)

Reported 4/11

HB 454-Monaco (Dougherty)

HB 537-Ostmann, et al

(Klarich)

HB 603-Hilgemann, et al,

with SCS (Sims)

HB 212-Ward, with SCS

(Rohrbach)

HB 644-Burton, with SCS

(Jacob)

HB 459-Liese, et al, with

SCS (Rohrbach)

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,

with SCS (Klarich)

HB 955-Green (73), with

SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and

Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al

(Wiggins)

(In Budget Control)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and

Vogel, with SCS

(Rohrbach)

(In Budget Control)

HB 742-Harding, et al,

with SCS (Johnson)

(In Budget Control)

HB 922-Gaskill and

Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh

(Bentley)

HB 596-Kennedy and

Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface

(Singleton)

HB 408-Kelley (47)

(Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor (Gross) Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,
with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS
(Bentley)

HB 420-Williams, et al
(Westfall)

HB 458-Lawson, et al
(Klindt)

HB 470-Shields and
Hegeman (Johnson)

HBs 648, 477 & 805-
Ostmann, et al, with
SCS (Westfall)

HB 691-Barnett, et al,
with SCS (Klindt)

HB 897-Kreider, et al
(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al
(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with
SCS (Rohrbach)

HB 606-Kennedy, et al,
with SCS (Yeckel)

HB 202-Rizzo, with SCS
(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster) BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3 (pending)

To be Referred

SR 616-Johnson

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 5-Mays (Goode)

HS for HCR 6-Myers

(Kenney)

HCR 10-Holand

HCR 24-Boucher, with SCS

(Yeckel)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTIETH DAY--TUESDAY, APRIL 24, 2001

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"My thoughts are not your thoughts, nor are your ways my ways, says the Lord." (Isaiah 55:8)

Heavenly Father, You are invisible to mortal eyes but You have called us to be a holy people so that we might see you through the words and actions of Your people. In our times of need help us to remember that we are members of Your body, brought together by Your providence, so that through faith all things may be possible as we work together to do Your will and serve the people of Missouri. And Father be with our Sergeant-at-Arms as he prepares for surgery, and let Your healing power flow through his body. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

President Maxwell assumed the Chair.

RESOLUTIONS

Senator Bland offered Senate Resolution No. 618, regarding Flora B. Nunley, Kansas City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 619, regarding Kathryn M. Schlup, California, which was adopted.

Senator Rohrbach offered Senate Resolution No. 620, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph V. Scherr, Jefferson City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Rohrbach offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 31

WHEREAS, the citizens of Missouri believe in the principles of free markets, limited government, federalism and individual liberty are essential to providing the greatest amount of economic and political freedom for our citizens; and

WHEREAS, careful stewardship of our nation's precious natural resources is essential if future generations are to enjoy and prosper from them; and

WHEREAS, voluntary industry leadership in the private sector is the best method of productive and economically viable environmental stewardship of our land, forests, water and wild life; and

WHEREAS, the General Assembly believes that voluntary forest product management and leadership by the private sector in sustaining forest resources is preferable to government imposed resource management mandates; and

WHEREAS, Americans have taken pride in their nations' rich bounty of natural resources, and careful stewardship of these precious assets is essential if future generations are to enjoy and benefit from them; and

WHEREAS, the forest products industry, an essential component of the nation's economy sustaining businesses, families, and rural communities since its founding, is comprised of more than 34,000 employees and 400,000 forest landowners; and

WHEREAS, close to one-third of the nation's land is forested, with 14 million acres in Missouri alone, the vital importance of the industry underscores the necessity for intelligent management of the over 736 million acres of America's forest land; and

WHEREAS, the forest products industry relies on forest resources to make this state one of the leading producers of wood flooring, staves, furniture, cabinetry, lumber, pallets, charcoal, and other wood products, and to meet society's increasing demand for wood and wood-related products important to our nation's quality of life; and

WHEREAS, America's forest products companies have made considerable capital improvements in recycling, and the industry nationally has voluntarily set a goal to recover 50% of the paper it produces; and

WHEREAS, Missouri's forest products industry, in recognition of its stewardship responsibilities in nurturing the forest resources, has pledged itself to the continuing principles of sustainable forestry by initiating the "Sustainable Forestry Initiative Program", a comprehensive program committed to responsible environmental stewardship of the forests, water resources and wild life; and

WHEREAS, the goal of the Sustainable Forestry Initiative Program is to educate the public as to the importance of industry leadership in voluntarily protecting these valuable resources, and to promote the monitor progress made toward this worthy goal; and

WHEREAS, the Missouri Forest Products Association's members are actively demonstrating a commitment to the principles of sustainable forestry and are bench marking this commitment by implementing Sustainable Forestry Initiative Program principles and practices, such as prompt reforestation and protection of water quality and wildlife habitat:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, recognize the Missouri Forest Products Association's member companies, forest landowners and loggers and the state's forest products industry for its commitment to the responsible use of natural resources, and commend the creation and implementation of the Sustainable Forestry Initiative Program as a means to this end; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare copies of this resolution for the Missouri Forest Products Association.

SENATE BILLS FOR PERFECTION

Senator Kenney moved that **SB 510, SB 512 and SB 133**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 510, 512 and 133**, as amended, was again taken up.

Senator Kenney offered **SS** for **SCS** for **SBs 510, 512 and 133** entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 510, 512 and 133

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420 and 167.349, RSMo 2000, relating to charter schools, and to enact in lieu thereof fourteen new sections relating to the same subject, with an emergency clause for a certain section.

Senator Kenney moved that **SS** for **SCS** for **SBs 510, 512 and 133** be adopted.

Senator Kenney offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 510, 512 and 133, Page 17, Section 160.415, Lines 19-21, by deleting the bold faced language on said lines.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney moved that **SS** for **SCS** for **SBs 510, 512 and 133**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **SBs 510, 512 and 133**, as amended, was declared perfected and ordered printed.

SB 578, with **SCS**, was placed on the Informal Calendar.

Senator Sims moved that **SB 448** and **SB 588**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 448 and 588**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 448 and 588

An Act to repeal sections 208.151 and 376.1250, RSMo 2000, relating to cancer, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **SBs 448 and 588** be adopted.

Senator Sims offered **SS** for **SCS** for **SBs 448 and 588**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 448 and 588

An Act to repeal sections 208.151 and 376.1250, RSMo 2000, relating to cancer, and to enact in lieu thereof two new sections relating to the same subject.

Senator Sims moved that **SS** for **SCS** for **SBs 448** and **588** be adopted.

Senator Gibbons assumed the Chair.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 448 and 588, Page 12, Section 208.151, Line 10 of said page, by inserting after all of said line the following:

"376.1209. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that provide coverage for the surgical procedure known as a mastectomy, and which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 1998, shall provide coverage for prosthetic devices or reconstructive surgery necessary to restore symmetry as recommended by the oncologist or primary care physician for the patient incident to the mastectomy. Coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits **with the exception that no time limit shall be imposed on an individual for the receipt of prosthetic devices or reconstructive surgery and if such individual changes his or her insurer, then such coverage for prosthetic devices or reconstructive surgery shall transfer with the individual.**

2. As used in this section, the term "mastectomy" means the removal of all or part of the breast for medically necessary reasons, as determined by a physician licensed pursuant to chapter 334, RSMo.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 448 and 588, Page 1, Section A, Line 3, by inserting after said line the following:

"192.972. 1. The department of health shall designate "Missouri Centers of Excellence in Women's Health" which shall be located in leading academic medical institutions in Missouri. The centers shall be selected on a competitive basis. The department shall establish the criteria for selecting the centers, taking into consideration the principles established for National Centers for Excellence in Women's Health by the Office on Women's Health within the United States Department of Health and Human Services.

2. The purpose of the centers shall be to devise new standards of excellence in women's health, and assist in the development of multidisciplinary, integrated collaborations to provide women with convenient, comprehensive health care, expand basic and clinical research on women's health and promote education of health care providers and the community regarding the unique needs and aspects of women's health. The comprehensive goal of the centers shall be the improvement of the health status of all women across their life span through:

(1) The improvement of women's access to health care services and information;

- (2) **The advancement of a women's health research agenda involving both basic and clinical research in women's health;**
- (3) **The targeting of financial resources and support provided by the institution and external sources;**
- (4) **The promotion of women to leadership positions in health care provision, teaching and research;**
- (5) **The fostering of greater community outreach in women's health; and**
- (6) **The integration of women's health in medical curriculum, clinical training and postdoctoral research.**

3. The department of health may, subject to appropriations, use, administer and dispose of any gifts, grants or in-kind services and may award grants to qualifying centers to carry out the purpose and goals established in subsection 2 of this section for the Missouri centers of excellence in women's health.

4. The department of health may promulgate rules to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Sims moved that **SS for SCS for SBs 448 and 588**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS for SCS for SBs 448 and 588**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 226**, with **SCS, SS for SCS, SA 1, SSA 1 for SA 1 and SA 3 to SSA 1 for SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 to SSA 1 for SA 1 was again taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Klarish offered **SA 4 to SSA 1 for SA 1**:

SENATE AMENDMENT NO. 4 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, appearing on Page 777 of the Senate Journal for Tuesday, April 17, 2001, Column 2, Line 25 of said column, by inserting at the end of said line the following: "page 3, section 192.1010, line 6, by inserting at the end of said line the following: **"The grant application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of 192.1010 to 192.1030. The department of health shall not approve a grant award unless the department makes specific written findings that such research project shall be conducted in compliance with sections 192.1010 to 192.1030. The grant application and the grant award shall be a public record within the meaning of chapter 610, RSMo. The department of health shall promulgate rules in accordance with chapter 536, RSMo, to implement the provisions of this subsection.; and**

Further amend said bill,"; and

Further amend said amendment, page 778, column 1, line 19 of said column, by inserting immediately after the word

"to" the following: "**the health, safety or welfare of**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 1**, as amended, was again taken up.

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 2, Section 192.1010, Line 28 of said page, by adding immediately after the word "**human**" on said line the word "**safety**"; and by inserting immediately after the word "**neurological**" on line 29 the words "**including nerve regeneration**"; and by inserting immediately after the word "**pulmonary**" on said line the phrase ", **diagnostic disease**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SS** for **SCS** for **SB 226**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SCS** for **SB 226**, as amended, was declared perfected and ordered printed.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator House offered Senate Resolution No. 621, regarding Linda Cokley, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 622, regarding Mike Marino, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 623, regarding Patrice Feldmann, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 624, regarding Melanie Getz, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 625, regarding Debra Crank-Lewis, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 626, regarding Kathy Ury, St. Peters, which was adopted.

Senator Cauthorn offered Senate Resolution No. 627, regarding Mary A. Hall, Hannibal, which was adopted.

Senator Caskey offered Senate Resolution No. 628, regarding Sandra K. Braithwait, Clinton, which was adopted.

Senator Stoll offered Senate Resolution No. 629, regarding Michael Monroe, Hillsboro, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 2**: Representatives Green, Graham, Wilson (42), Shields, Holand.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 3**: Representatives Green, Graham, Wilson (42), Shields, Bearden.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 4**: Representatives Green, Bray, Bonner, Legan, Myers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 5**: Representatives Green, Bonner, Wilson (42), Legan, Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 6**, as amended: Representatives Green, Wilson (42), Ransdall, Legan, Hegeman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 7**: Representatives Green, Wilson (42), Ransdall, Shields, Myers.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 8**: Representatives Green, Wilson (42), Kelly (27), Legan, Bearden.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 9**: Representatives Green, Wilson (42), Kelly (27), Legan, Crawford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**, as amended: Representatives Green, Wilson (42), Wilson (25), Shields, Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 11**, as amended: Representatives Green, Troupe, Campbell, Kelley (47), Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 12**: Representatives Green, Bonner, Wilson (42), Legan, Reinhart.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 247** and **330**; and **SS** for **SCS** for **SJR**s **1** and **4**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 369**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 476**, **SB 427** and **SB 62**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Yeckel, **SB 476**, **SB 427** and **SB 62**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), were placed on the Informal Calendar.

Senator Rohrbach moved that **SB 535**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 535**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 535

An Act to repeal sections 148.400, 354.315, 354.450, 354.710, 375.246, 375.325, 375.326, 375.345, 375.774, 375.1168, 375.1176, 375.1182, 375.1202, 376.300, 376.301, 376.303, 376.305, 376.307, 379.080, 379.082 and 384.043, RSMo 2000, relating to the solvency of certain entities regulated by the director of the department of insurance, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions and an effective date for a certain section.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 535** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **SB 535**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 535

An Act to repeal sections 148.400, 354.315, 354.450, 354.710, 375.246, 375.326, 375.330, 375.345, 375.774, 375.1168, 375.1176, 375.1182, 375.1202, 379.080, 379.082 and 384.043, RSMo 2000, relating to the solvency of certain entities

regulated by the director of the department of insurance, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions and an effective date for a certain section.

Senator Rohrbach moved that **SS for SCS for SB 535** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 535, Page 46, Section 375.1202, Line 9 of said page, by inserting after all of said line the following:

"376.1500. 1. This section shall be known as the "Agricultural Relief Act of 2001". In order to maintain viability of the family farm and solo producers, prompt pay for the sale of agricultural commodities is a necessity. Herein is a mechanism that mandates fair and speedy payment of agricultural products by anyone carrying any type of insurance.

2. This section shall not apply to contracts between an agricultural producer and a broker, distributor, or end user, dealing with the delivery of agricultural commodities entered into and renewed before August 28, 2001. All future written or unwritten contracts after August 28, 2001, for delivery of agricultural commodities shall be covered by this section.

3. No agricultural commodities seller or agricultural added value producer shall be entitled to payment for the sale of their commodities unless specifically delineated in a contract signed and agreed to in advance. Within forty-five days after the receipt of the agricultural commodity, the purchaser of said commodity shall have an additional ten days to verify the quantity, consistency, and proposed or alleged validity of the sale of said agricultural commodity. If additional information is necessary to determine whether all or part of the sale of the agricultural commodity should be reimbursed, the purchaser shall send the seller or producer a complete description of all specific additional information necessary to process the sale. Verification of delivery to the purchaser can be made either in person, by registered mail, or electronic transfer of title to the said commodities. Until verification is received by the purchaser, no payment is necessary nor do the time limits begin to become effective pursuant to this section. If after fifty-five days and unlimited inquiry to the validity of the sale of the agricultural commodities, an interest penalty of one percent per annum will be added to the final payment.

4. In addition to other remedies provided by law, a person who has filed a claim for reimbursement for agricultural commodities may file a civil action against the agricultural purchaser for any violation of this section, provided that such person may not file a civil action until thirty days following the receipt by the purchaser of a certified letter notifying the purchaser of said producers' intention to file a civil action pursuant to this section. Such notice must be included in the information previously submitted to the purchaser on the claim for reimbursement as to the quantity, validity, and insurability of said agricultural commodities. No civil action may be filed on any claim in interest paid within a thirty-day grace period.

5. For the purposes of this section "agricultural provider", shall mean one who enters into the agricultural endeavors for the purposes of growing, raising, or creating a value of an agricultural commodity. For the purposes of this section, an agricultural purchaser, distributor, and manufacturer shall be defined as one who takes agricultural commodities from a farm environment and adds value. Additionally, the purchaser of agriculture commodities is permitted to sell, manufacture, and distribute the agricultural commodities at any time but must reimburse and make arrangements for payment to the producer at least one hundred eighty days following the distribution, manufacturer, and consumption of agricultural commodities.

6. The requirements of this section shall apply to all agricultural producers, purchasers, manufacturers, and distributors that have any health care insurance, business insurance, financial insurance, workers' compensation insurance, or any other insurance plan covering one more of the parties involved pursuant to this section."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Caskey was recognized to interrogate Senator Singleton.

Senator Rohrbach was recognized and raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

Senator Caskey raised the point of order that the point of order raised by Senator Rohrbach is out of order as it is untimely, stating that he had the floor at the time the President recognized Senator Rohrbach.

Senator Caskey's point of order was referred to the President Pro Tem.

Senator Jacob raised the point of order that **SS** for **SCS** for **SB 535** is out of order as the substitute bill contains multiple subject matters and is therefore out of order under the provisions of Senate Rule 57.

Senator Jacob's point of order was referred to the President Pro Tem.

President Pro Tem Kinder ruled the point of order raised by Senator Rohrbach well taken.

President Pro Tem Kinder ruled the point of order raised by Senator Caskey not well taken.

President Pro Tem Kinder took the point of order raised by Senator Jacob under advisement, which placed **SB 535**, with **SCS** and **SS** for **SCS** (pending), back on the Calendar.

Senator Yeckel moved that **SB 476**, **SB 427** and **SB 62**, with **SCS**, **SS** for **SCS** and **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

Senator Gibbons assumed the Chair.

Senator Steelman offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 70, Section 115.826, Line 9, by inserting after all of said line the following:

"[162.203. 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district.

2. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education.]" and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above substitute amendment be adopted and requested a roll call vote be taken. She

was joined in her request by Senators Bentley, Cauthorn, Rohrbach and Yeckel.

SSA 1 for **SA 4** failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Foster	Gibbons	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Steelman	Yeckel--12
NAYS--Senators			
Bentley	Bland	Caskey	Childers
Dougherty	Goode	Gross	House
Jacob	Johnson	Mathewson	Quick
Schneider	Scott	Sims	Stoll
Wiggins--17			
Absent--Senators			
DePasco	Singleton	Staples	Westfall--4
Absent with leave--Senator Carter--1			

SA 4 was again taken up.

Senator Klarich requested unanimous consent of the Senate to allow the Committee on Judiciary to meet while the Senate is in session, which request was granted.

Senator Jacob moved that **SA 4** be adopted.

Senator Yeckel requested a roll call vote be taken on the adoption of **SA 4** and was joined in her request by Senators Bentley, Cauthorn, Schneider and Stoll.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Dougherty
Goode	Jacob	Johnson	Mathewson
Quick	Schneider	Scott	Stoll
Wiggins--13			
NAYS--Senators			
Cauthorn	Childers	Foster	Gibbons
Gross	House	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		
Absent--Senators			
DePasco	Staples--2		
Absent with leave--Senator Carter--1			

Senator Dougherty offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 63, Section 115.613, Line 19 of said page, by inserting after all of said line the following:

"115.619. 1. The membership of a legislative district committee shall consist of all county committee members **whose townships, wards or committee districts are contained in whole or in part** within the legislative district[, except as

provided in subsections 4 and 5 of this section]. **Except as provided in subsection 2 of this section**, in all [counties] **legislative districts** of this state [which are wholly contained within a legislative district, or in which there are two or more whole legislative districts, or one whole legislative district and part of another legislative district, or parts of two or more legislative districts], there shall be elected from the membership of each legislative district committee a chairman and a vice chairman, one of whom shall be a woman and one of whom shall be a man[, and]. Each legislative district at the same time shall elect a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, but who may or may not be members of the legislative district committee. Party state committees may provide for voting by proxy and for weighted or fractional voting.

2. If a legislative district and a county are coextensive, the chairman, vice chairman, secretary and treasurer of the county committee shall be the chairman, vice chairman, secretary and treasurer of the legislative committee.

3. Except as provided in subsections 4 and 5 of this section, the congressional, senatorial or judicial district committee shall consist of the chairman and vice chairman of each of the legislative districts in the congressional, senatorial[,] or judicial districts and the chairman and vice chairman of each of the county committees within the districts. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting.

4. The congressional, senatorial or judicial district committee of a district coextensive with one county shall be the county committee.

5. The congressional, senatorial or judicial district committee of a district which is composed in whole or in part of a part of a city or part of a county shall consist of the ward or township committeemen and committeewomen from such wards or townships included in whole or in part in such part of a city or part of a county forming the whole or a part of such district. Party state committees may provide for voting by proxy and may provide for weighted or fractional voting."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

Senator Yeckel offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Section 115.074, Page 8, Line 24, by deleting the words "**less than**" from said line and inserting in lieu thereof the words "**to exceed**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 16, Section 115.126, Line 26, by inserting immediately after said line the following: "**The provisions of this section shall terminate August 28, 2006.**".

Senator Sims moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Pages 15-16, Section 115.126, by striking all of said section from the bill; and

Further amend said bill, Page 71, Section 417.018, Line 23 of said page, by inserting after all of said line the following:

"Section 1. There is hereby established a "Commission On Early Voting Procedures" to study the costs and implementation of early voting standards and to establish safeguards against election fraud. The commission shall present its findings by December 1, 2001. The commission members shall be selected as follows:

- (1) Two members of the house of representatives, one selected by the speaker of the house of representatives, and one selected by the minority floor leader of the house of representatives;**
- (2) Two members of the senate, one selected by the president pro tempore of the senate and one selected by the minority floor leader of the senate;**
- (3) Four members selected from boards of election commissioners, all selected by majority vote of the officers of the Missouri Association of County Clerks and Election Authorities;**
- (4) One member selected by the office of secretary of state; and**
- (5) Four members of the County Clerks Association, with each class of county represented, and all selected by majority vote of the officers of the Missouri Association of County Clerks and Election Authorities."; and**

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted.

Senator Yeckel requested a roll call vote be taken on the adoption of **SSA 1** for **SA 7** and was joined in her request by Senators Cauthorn, Gibbons, Schneider and Sims.

SSA 1 for **SA 7** failed of adoption by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Dougherty	Gibbons
Goode	Jacob	Klarich	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Wiggins--15	
NAYS--Senators			
Bentley	Bland	Childers	DePasco
Foster	Gross	House	Johnson
Kenney	Kinder	Klindt	Loudon
Singleton	Stoll	Westfall	Yeckel--16
Absent--Senators			
Staples	Steelman--2		
Absent with leave--Senator Carter--1			

SA 7 was again taken up.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 67, Section 115.645, Line 23, by inserting after "**located.**" the following: "**In order for the secretary of state to exercise his or her subpoena powers, he or she must seek, through the prosecutor in the applicable jurisdiction, an order from the court of competent jurisdiction issuing said subpoena and setting a return date therein.**".

Senator Caskey moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 8** and was joined in his request by Senators Caskey, Childers, Quick and Goode.

SA 8 failed of adoption by the following vote:

YEAS--Senators

Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Mathewson	Quick	Schneider	Scott
Stoll	Wiggins-- 14		

NAYS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel-- 18		

Absent--Senator Staples-- 1

Absent with leave--Senator Carter-- 1

Senator Caskey offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Pages 68 and 69, Section 115.648, Line 15 of page 68 through line 14 of page 69, by deleting said lines.

Senator Caskey moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Schneider offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 51, Section 115.291, Line 13, by inserting after said line the following:

"115.349. 1. Except as otherwise provided in sections 115.361 to 115.383 or sections 115.755 to 115.785, no candidate's name shall be printed on any official primary ballot unless the candidate has filed a written declaration of candidacy in the office of the appropriate election official by 5:00 p.m. on the last Tuesday in [March] **April** immediately preceding the primary election.

2. No declaration of candidacy for nomination in a primary election shall be accepted for filing prior to 8:00 a.m. on the last Tuesday in [February] **March** immediately preceding the primary election.

3. Each declaration of candidacy for nomination in a primary election shall state the candidate's full name, residence address, office for which such candidate proposes to be a candidate, the party ticket on which he or she wishes to be a

candidate and that if nominated and elected he or she will qualify. The declaration shall be in substantially the following form:

I,, a resident and registered voter of the county of and the state of Missouri, residing at, do announce myself a candidate for the office of on the party ticket, to be voted for at the primary election to be held on the day of, ..., and I further declare that if nominated and elected to such office I will qualify.

..... Subscribed and sworn to

Signature of candidate before me this day

of,

.....

Residence address Signature of election

official or other officer

authorized to administer oaths

.....

Mailing address (if different)

.....

Telephone Number (Optional)

If the declaration is to be filed in person, it shall be subscribed and sworn to by the candidate before an official authorized to accept his or her declaration of candidacy. If the declaration is to be filed by certified mail pursuant to the provisions of subsection 2 of section 115.355, it shall be subscribed and sworn to by the candidate before a notary public or other officer authorized by law to administer oaths."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 71, Section 417.018, Line 23 of said page, by inserting after all of said line the following:

"Section 1. 1. A person shall not be a sponsor of any published material on behalf of or in opposition to any candidate or ballot issue that contains any assertion, representation, or statement of fact, including, but not limited to, information concerning a candidate's prior public record, which the sponsor knows to be untrue, deceptive or misleading.

2. For purposes of this section, "published material" means statements or graphic representations made through any public medium which includes, but is not limited to, any of the following:

(1) Electronic media such as live or prerecorded radio or television broadcasts, broadcasts or transmissions through other publicly available electronic communications, and video or audio tape recordings which are publicly distributed;

(2) Print media, such as newspapers, pamphlets, folders, display cards, signs, posters, or billboard advertisements;

(3) Any other methods or mediums designed for publicly advertising or publishing information.

3. For purposes of this section, "sponsor" means a person who pays for or approves published material and shall include a candidate or committee which knows and approves of an independent expenditure made by another person."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Quick, Stoll and Wiggins.

SA 11 was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Klarich	Klindt	Mathewson
Quick	Scott	Steelman	Stoll
Wiggins	Yeckel--22		
NAYS--Senators			
Kenney	Kinder	Loudon	Rohrbach
Russell	Sims	Westfall--7	
Absent--Senators			
DePasco	Schneider	Singleton	Staples--4
Absent with leave--Senator Carter--1			

Senator Caskey offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 7, Section 115.027, Line 21 of said page, by striking the word "state" and inserting in lieu thereof the following: "**local county**"; and further amend line 23 of said page, by striking the following: "The state committee of such"; and further amend lines 24-25 of said page, by striking all of the underlined language from said lines; and

Further amend said bill and section, page 8, line 10 of said page, by striking the word "state" and inserting in lieu thereof the following: "**county**"; and

Further amend said bill, page 11, Section 115.087, lines 29-31 of said page, by striking all of said lines; and

Further amend said bill and section, page 12, lines 1-3 of said page, by striking all of said lines; and further amend line 4 of said page, by striking "3." and inserting in lieu thereof the following: "**2.**"; and

Further amend said bill, page 12, Section 115.089, lines 12-13 of said page, by striking all of the underlined language from said lines; and

Further amend said bill, page 67, Section 115.645, lines 13-23 of said page, by striking all of said lines; and further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, pages 68-69, Section 115.648, by striking all of said section from said bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 15, Section 115.126, Line 13, by inserting after "**on the**" the word "**second**" on said line.

Senator Caskey moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 13**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 15, Section 115.126, Line 13 of said page, by striking "Friday" and inserting in lieu thereof the following: "**Wednesday**".

Senator Rohrbach moved that the above substitute amendment be adopted, which motion prevailed.

Senator Goode offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 67, Section 115.637, Line 3 of said page, by inserting immediately after the word "person" the following: ", **or, any electioneering by federal, state or local employees while wearing the employee's official uniform, badge or other garment identifying such person as an employee of the federal, state or local agency**".

Senator Goode moved that above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Page 68, Section 115.645, Line 8, by deleting "**attorney general**" on said line.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SS** for **SCS** for **SBs 476, 427 and 62**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS** for **SCS** for **SBs 476, 427 and 62**, as amended, was declared perfected and ordered printed.

Senator Gibbons moved that **SB 66**, with **SCS No. 2**, be taken up for perfection, which motion prevailed.

SCS No. 2 for **SB 66**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 66

An Act to repeal sections 568.030, 568.045 and 568.050, RSMo 2000, relating to abandonment of a child, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS No. 2** for **SB 66** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS No. 2** for **SB 66** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Kinder referred **SR 616** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 525**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 525**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 525

An Act to repeal section 414.032, RSMo 2000, relating to fuel requirements, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 525** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **SB 525**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 525

An Act to repeal section 414.032, RSMo 2000, relating to fuel requirements, and to enact in lieu thereof one new section relating to the same subject.

Senator Cauthorn moved that **SS** for **SCS** for **SB 525** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SS** for **SCS** for **SB 525** was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HB 882**--Financial and Governmental Organization, Veterans' Affairs and Elections.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 630, regarding the Eightieth Birthday of John Harold Kohler, Jr., Harrisonville, which was adopted.

Senator Quick offered Senate Resolution No. 631, regarding Leslie A. Bishop, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 632, regarding Allen Edwards Dillingham, Gladstone, which was adopted.

Senator Klindt offered Senate Resolution No. 633, regarding Betty A. Haynes, Hale, which was adopted.

Senator Sims offered Senate Resolution No. 634, regarding Sarah Tibbals "Sally" Patton, Glendale, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, his daughters, Kaitlyn Cauthorn and Elizabeth Seifkas, Mexico.

Senator Gibbons introduced to the Senate, students from the Judevine Center for Autism, St. Louis County; and Nathan Decker, Joshua Gay, Jimmy Haase and Joshua Taggart were made honorary pages.

Senator Mathewson introduced to the Senate, Cheryl Bennett, Lyndie Stephens and five fourth grade students from Cowgill R-VI School, Cowgill; and Nathan Vermillion, Hillaree Barlow, Danielle Bell, Braden Chastain and Andrew Stephens were made honorary pages.

Senator Quick introduced to the Senate, the Physician of the Day, Dr. James A. DiRenna, D.O., Gladstone.

Senator Sims introduced to the Senate, Jasmin Stewart, Sydney McClain, Brandi Fair, Melinda Zellars and Sonya Sheriff, Girls Inc., St. Louis; and Melinda and Sonya were made honorary pages.

Senator Schneider introduced to the Senate, Michael Garozzo and his executive director Anthony Pernice, Kansas City, and recognized him for his Italian Restaurants and St. Louis Italian heritage.

Senator Bentley introduced to the Senate, Emily Fox and Bridget Marrs, Springfield.

The President introduced to the Senate, his daughter, Megan Maxwell, Mexico.

Senator Bentley introduced to the Senate, her granddaughters Emma and Grace Bentley; and Christina Fox, Katherine Marrs, Katie Lohmeyer and Gwyn Knauer, Springfield; and Emma, Grace, Christina, Katherine, Katie and Gwyn were made honorary pages.

Senator Gibbons introduced to the Senate, fourth grade students from St. Peters School, Kirkwood; and Alex Hall, Michael Minowitz, Ally Powers and Matthew Roseman were made honorary pages.

Senator Sims introduced to the Senate, Cindy Stein, Sarah Reesman, Susan Kreklow and Tracey Summerfield, University of Missouri Athletic Department; and Becky Oakes, Missouri State High School Activities Association.

Senator Cauthorn introduced to the Senate, Caleb Kruse, Mollie Hanlin, Mary Beth Shanks, Sam McKenzie, Whitney Lessor, Faith Steinbruck, Mrs. Whitaker, Mr. Kruse, Ms. Tyler and Mrs. Lessor, Zion Lutheran School, Palmyra.

Senator Staples introduced to the Senate, Mark Byington and Keith Williams, Shannon County.

Senator Gross introduced to the Senate, Kalli Fox, St. Charles; and Kalli was made an honorary page.

Senator Singleton introduced to the Senate, Fred Gardner, Penny Paul and Steve York, Neosho.

Senator Bentley introduced to the Senate, representatives of "Take Your Daughters to Work" Day.

Senator Bentley introduced to the Senate, Gary Summers, Springfield.

Senator Wiggins introduced to the Senate, Bill Grigsby, Kansas City.

Senator DePasco introduced to the Senate, representatives from V's Restaurant, The Hereford House and Jazz, Kansas City.

Senator Foster introduced to the Senate, Dawn Moon, Judith R. Davis, Celeste Adams and Carolyn Wood, Poplar Bluff; Barbara Boran, Berlin, Germany; Raquel Campos and Flavio Julio, Belo Horizonte, Brazil; Ping Liu, Beijing, China; Obie Kung and Cannis Yu, Hong Kong; Bobby Brown, Naylor; and Tomohao Shimizu, Tokyo, Japan.

Senator Quick introduced to the Senate, Deanna Corcoran and students from Oakhill Day School, North Kansas City; and Abbi Corcoran, Kelly Knack, Riley Byrne and Charlie King were made honorary pages.

On behalf of Senator Gibbons and himself, Senator Loudon introduced to the Senate, students from Twin Oaks Christian School, Village of Twin Oaks; and Taylor Smallwood, Bethany Haines, Adam Polson, Michael O'Brien and Jessie Deckhan were made honorary pages.

Senator Kinder introduced to the Senate, eighth grade students from Immaculate Conception School, Jackson.

Senator Sims introduced to the Senate, students from Community School, St. Louis.

On behalf of Senator Johnson and himself, Senator Childers introduced to the Senate, Sarah, Kimberly and Lisa Miller, Homeschoolers from Shell Knob; and Gordon, Brandon and Eva Geiger, Homeschoolers from Platte City.

Senator Stoll introduced to the Senate, a group of retired teachers from Jefferson County.

Senator Westfall introduced to the Senate, former State Senator David Doctorian, his wife, Phyllis and their daughter, Sherry, Macon.

Senator Quick introduced to the Senate, students from Eastgate Middle School, Kansas City; and Hung Pham, Vu Nguyen, Jessie Overall and Phoung Do were made honorary pages.

Senator Caskey introduced to the Senate, Mr. Robert Bennett and twenty seventh and eighth grade students from Zion Lutheran School, Rockville.

Senator Wiggins introduced to the Senate, former State Representative Jan Martinette, Mrs. Wilma Alexopoulos, Chet and JoAnn Snyder, Mrs. Donna Magness and Gene and Bonnie Dysart, Grandview.

Senator Bentley introduced to the Senate, Peggy Kubicek, Springfield.

Senator Klarich introduced to the Senate, Doug Crews, and his daughter, Jessica, Columbia.

Senator Childers introduced to the Senate, Steve Long and seventeen junior high school students from Chadwick R-I School, Chadwick.

Senator Caskey introduced to the Senate, Jill Smith and eighty fourth grade students and their sponsors from Archie Elementary School, Archie; and John Huge, Jesse Mason, Samantha Warner and Sheryl Mattox were made honorary pages.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIRST DAY-WEDNESDAY, APRIL 25, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SCS for SBs 247 & 330-

Westfall and Staples

SS for SCS for SBs 551, 410,

539, 528 & 296-Sims

(In Budget Control)

SCS for SBs 52 & 91-Childers

(In Budget Control)

SS for SCS for SJRs 1

& 4-Schneider

SS for SCS for SB 369-Steelman

SENATE BILLS FOR PERFECTION

1. SB 242-Kenney

2. SB 225-Mathewson,

with SCS

3. SB 180-Klarich

4. SB 583-Yeckel

5. SB 488-Klindt, et al,
with SCS

6. SB 387-Goode, et al,
with SCS

7. SB 455-Kinder, et al,
with SCS

8. SBs 334 & 228-Kinder,
with SCS

9. SB 469-Gross, et al

10. SB 546-Kenney, et al,
with SCS

11. SB 337-House and Kinder

12. SB 593-Klindt, with SCS

13. SB 509-Cauthorn and Klindt

14. SBs 42 & 108-Kenney,
with SCS

15. SB 565-Staples

16. SB 596-Loudon

17. SB 597-Singleton

18. SB 268-Schneider,
with SCS

19. SBs 249 & 523-Wiggins,
with SCS

20. SBs 508 & 468-

Cauthorn and Klindt,

with SCS HOUSE BILLS ON THIRD READING

HCS for HB 274, with

SCA 1 (Klindt)

HCS for HB 207, with

SCA 1 (Childers)

(In Budget Control)

HB 954-Hosmer (Westfall) INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SB 375-Steelman, with SCS,

SS for SCS, SA 1 &

SSA 3 for SA 1 (pending)

SBs 391 & 395-Rohrbach, with

SCS & SS for SCS (pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 578-Goode and Russell, with SCS

SJR 11-Yeckel CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with
SCS

House Bills

HB 664-Skaggs (Yeckel)

HB 491-George, with SCS

(Goode)

HB 236-Smith, with SCS

(Caskey)

HB 266-Treadway (Gross)

HB 745-Farnen (Mathewson)

HB 180-Thompson, et al

(Sims)

HB 129-Van Zandt and

Campbell (Klarich)

HB 48-Relford (Mathewson)

HB 801-Liese and Wagner,

with SCS (Yeckel)

HB 218-Farnen, et al

(Kenney)

(In Budget Control)

Reported 4/11

HB 454-Monaco (Dougherty)

HB 537-Ostmann, et al

(Klarich)

HB 603-Hilgemann, et al,

with SCS (Sims)

HB 212-Ward, with SCS

(Rohrbach)

HB 644-Burton, with SCS

(Jacob)

HB 459-Liese, et al, with

SCS (Rohrbach)

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,

with SCS (Klarich)

HB 955-Green (73), with

SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and

Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al

(Wiggins)

(In Budget Control)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and

Vogel, with SCS

(Rohrbach)

(In Budget Control)

HB 742-Harding, et al,

with SCS (Johnson)

(In Budget Control)

HB 922-Gaskill and

Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh

(Bentley)

HB 596-Kennedy and

Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface

(Singleton)

HB 408-Kelley (47)

(Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor (Gross) Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,

with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS

(Bentley)

HB 420-Williams, et al

(Westfall)

HB 458-Lawson, et al (Klindt)

HB 470-Shields and

Hegeman (Johnson)

HBs 648, 477 & 805-

Ostmann, et al, with

SCS (Westfall)

HB 691-Barnett, et al,

with SCS (Klindt)

HB 897-Kreider, et al

(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al

(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with

SCS (Rohrbach)

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS (House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster) BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell) RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

To be Referred

SCR 31-Rohrbach

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 5-Mays (Goode)

HS for HCR 6-Myers

(Kenney)

HCR 10-Holand (Bentley)

HCR 24-Boucher, with SCS

(Yeckel)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House
recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIRST DAY--WEDNESDAY, APRIL 25, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Jean-Pierre De Caussade noted: "We can only know through our suffering and our actions what experience taught us. It is the breath of the Holy Spirit whispering the words of life to the heart, and everything we say to others must come from this source."

Loving Father, You seek always to help us improve our lives and learn from the various trials and triumphs we experience in life. May Your Holy Spirit guide our hearts and minds so that everything we say and do reflects what we have learned from You and improves the lives of others as well. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

Senator Klarich requested unanimous consent of the Senate to correct the Senate Journal for Tuesday, April 24, 2001, on page 844, column 2, line 18, by deleting the word "Klarish" and inserting in lieu thereof the word, "Klarich", which request was granted.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 635, regarding the Ninetieth Birthday of Ruby Russell Lawhon, Blue Springs, which was adopted.

Senator Klindt offered Senate Resolution No. 636, regarding Dr. Nancy D. Zeliff, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 637, regarding Reverend Ron Ratliff, Pattonsburg, which was adopted.

Senator Bentley offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 638

WHEREAS, it is with special pleasure that the Missouri Senate pauses to recognize a group of extraordinary young women who have distinguished themselves through excellence in collegiate athletics; and

WHEREAS, the members of the Lady Bears Basketball Team at Southwest Missouri State University (SMSU) in Springfield are to be commended for their many notable achievements during an impressive 2000-2001 season that they culminated with a Fourth Place finish at the Final Four; and

WHEREAS, the talented Lady Bears became only the second team in school history to make an appearance in the National Collegiate Athletic Association (NCAA) Final Four competition which was held this year at the Savvis Center in St. Louis; and

WHEREAS, the Lady Bears gave the 134,964 loyal fans who packed the stands at Hammons Hall good reason to cheer during their 2000-2001 season, as they broke an NCAA record for most points scored and traveled coast to coast in the hopes of beating tough teams that included Toledo, Rutgers, and Duke, for a shot at the Final Four competition; and

WHEREAS, the Lady Bears could not have attained such success this season without the unparalleled guidance of Coaches Cheryl Burnett, Karen Rapier, Scott Norris, and Lannett Robinson, all of whom have continually instilled within each of their exceptional athletes the desire to realize their full potential; and

WHEREAS, special words of commendation go out to Lady Bears Administrative Assistant Mark Uitermarkt, whose hard work and strong commitment to the team was instrumental in its overall success this year; and

WHEREAS, few young women possess the athletic prowess of Lady Bears Jackie Stiles, Tara Mitchem, Carly Deer, Erica Vicence, Erika Rante, Ann Cavey, Kinga Kiss, Stephanie Buabey, Morgan Wohenberger, Melody Campbell, Tiny McMorris, and Dzenata Kaolic; and

WHEREAS, fellow students, teachers, and staff at SMSU, parents, and the entire community of Springfield are exceedingly proud of the Lady Bears for their impressive display of teamwork and unwavering unanimity while successfully aspiring towards incredible goals:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in extending our most hearty congratulations to the SMSU Lady Bears upon the completion of their most phenomenal 2000-2001 basketball season, and in wishing them only the very best as they continue to maintain their high standards of achievement through excellence both on and off the court; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Southwest Missouri State University.

HOUSE BILLS ON THIRD READING

HB 664, introduced by Representative Skaggs, entitled:

An Act to repeal sections 352.500, 352.505, 352.510, 352.515 and 352.520, RSMo 2000, relating to charitable gift annuities, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Yeckel.

On motion of Senator Yeckel, **HB 664** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall

Wiggins	Yeckel--30	
	NAYS--Senators--None	
	Absent--Senators	
DePasco	Quick	Russell--3
	Absent with leave--Senator Carter--1	

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 491, with **SCS**, introduced by Representative George, et al, entitled:

An Act to repeal section 77.370, RSMo 2000, relating to election of marshals in cities which contract for police service, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Goode.

SCS for **HB 491**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 491

An Act to repeal sections 77.370 and 77.450, RSMo 2000, relating to certain municipalities, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **HB 491** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **HB 491** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

NAYS--Senators--None

Absent--Senators

DePasco	Johnson	Quick	Singleton--4
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 236, with **SCS**, introduced by Representative Smith, entitled:

An Act to amend chapter 210, RSMo, relating to the state juvenile information system, by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Caskey.

SCS for **HB 236**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 236

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to the state juvenile information system.

Was taken up.

Senator Caskey moved that **SCS** for **HB 236** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 236** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
DePasco	Gibbons	Quick	Russell
Schneider--5			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Gross moved that motion lay on the table, which motion prevailed.

HB 266, introduced by Representative Treadway, entitled:

An Act to amend chapter 339, RSMo, relating to real estate agents and brokers by adding thereto one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Gross.

On motion of Senator Gross, **HB 266** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bland	DePasco	Quick	Staples
Stoll--5			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 745, introduced by Representative Farnen, entitled:

An Act to repeal section 58.490, RSMo 2000, relating to unclaimed property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 745** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
DePasco	Kinder	Quick--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 375**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 3** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 3 for **SA 1** was again taken up.

Senator Gibbons moved that the above substitute amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 14, Section 610.021, Lines 22-23, by deleting all of said lines after the words "as such".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 20, Section 610.027, Line 20, by inserting after all of said line the following:

"6. When a person submits a written complaint to the attorney general concerning the compliance of a public governmental body or a member of a public governmental body with sections 610.010 to 610.026 and the attorney general advises the public body of the complaint or otherwise attempts to resolve a dispute presented by such complaint, the public governmental body or member of that public governmental body shall cooperate with the attorney general for the purpose of resolving the dispute. When, in response to a complaint or on the attorney general's own initiative, the attorney general seeks to determine compliance of a public governmental body or member of a public governmental body with sections 610.010 to 610.026, the attorney general shall be entitled to obtain copies of open and closed records of any public governmental body, except records of privileged communications. Records identified as closed by the public governmental body that the attorney general obtains pursuant to this subsection shall remain closed, except that the attorney general may use those records in any action brought to enforce the provisions of sections 610.010 to 610.026, by presenting them in any court proceeding if the attorney general determines that the records should not have been closed or that the records reflect an action or actions that should not have been conducted in a closed session."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 9, Section 610.010, Line 14, by striking the word "and"; and further amend page 10, line 3, by inserting at the end of said line the following: **"and (g) Any bi-state development agency established pursuant to section 70.370, RSMo;"**.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

Senator Russell offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 15, Section 610.021, Line 9, by removing the bracket "["; and

Further amend said bill and page by deleting lines 24 through line 26 and inserting in lieu thereof the following: **"The Missouri general assembly fails to enact, on or before December 31, 2003, legislation authorizing electric utility restructuring."**

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 19, Section 610.027, Line 21, by striking the word "thousand" and inserting in lieu thereof: **"hundred"**; and further amend said bill, page 24, section 610.100, line 21, by striking the word "thousand" and inserting in lieu thereof: **"hundred"**.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 7, Section 58.740, Line 16, by inserting immediately after said line the following:

"197.735. 1. As used in this section, the following terms mean:

- (1) "Health carrier", the same as such term is defined in section 376.1350, RSMo;**
- (2) "Payment methodologies", how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;**
- (3) "Public hospital", a hospital organized pursuant to section 81.180, RSMo, section 82.240, RSMo, sections 96.150 to 96.228, RSMo, sections 205.160 to 205.379, RSMo, or sections 206.010 to 206.160, RSMo;**
- (4) "Public record", the same as such term is defined in section 610.010, RSMo;**
- (5) "Related organization", an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with such hospital;**
- (6) "Self-insured health plan", an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the Employee Retirement Income Security Act of 1974.**

2. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, the governing body of a public hospital or a related organization of such hospital, or both, may close portions of records and meetings of the entity that it manages or controls if such portions of records and meetings pertain to:

- (1) The payment amounts and payment methodologies of its contract proposals to and its contract with a health carrier or a self-insured health plan. Information concerning the parties involved and the duration of such a contract shall be a public record;**
- (2) Discussion and analysis of:**

- (a) Developing a new health service or new facility;
- (b) Expanding or revising an existing health service or facility; or
- (c) Entering into a shared service arrangement or other affiliation agreement;

(3) The amount of compensation that will be or is being paid to a physician under the public hospital's or a related organization's contract proposals to and contracts with the physician. While the compensation amounts of such a contract proposal or contract may be closed, such compensation amounts shall be included in the public hospital's or a related organization's overall financial statements and such statements shall be a public record;

(4) The records closed pursuant to this subsection shall be disclosed pursuant to lawful subpoena.

3. The disclosure of records and meetings of a public hospital, other than those records and meetings which may be closed pursuant to this section, shall be governed by chapter 610, RSMo. This section shall not be construed to prohibit a public hospital from claiming the benefit of any other exemption to chapter 610, RSMo, pursuant to section 610.021, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Steelman offered SSA 1 for SA 7:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 7, Section 58.740, Line 16, by inserting the following:

"197.735. 1. As used in this section, the following terms mean:

- (1) "Health carrier", the same as such term is defined in section 376.1350, RSMo;
- (2) "Public hospital", a hospital organized pursuant to section 81.190, 82.240, 96.150 to 96.228, 205.160 to 205.379, or 206.010 to 206.160, RSMo;
- (3) "Payment methodologies", how the units of service to be used as a basis for making payments are defined and the method of determining the specific payment amount per unit of service;
- (4) "Public record", the same as such term is defined in subdivision (6) of section 610.010, RSMo;
- (5) "Related organization", an entity created by or affiliated with a public hospital, regardless of the degree of common control or governance with such hospital;
- (6) "Self-insured health plan", an employee health benefit plan established by an employer or an employee organization, or both, for which the insurance laws of this state are preempted pursuant to the Employee Retirement Income Security Act of 1974.

2. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, the governing body of a public hospital or a related organization of such hospital, or both, may close contracts as described below in (1) and (2) of this section of the entity that it manages or controls for one year from the date such contracts become effective if such pertain to:

(1) The payment amounts and payment methodologies of its contract proposals to and contract with a health carrier or a self-insured health plan. However, information concerning the parties involved and the duration of such a contract shall be a public record at all times;

(2) The amount of compensation that will be or is being paid to a physician under the public hospital's or a related organization's contract proposals to and contracts with the physician. However, while the compensation amounts of such a contract proposal or contract may be closed, such compensation amounts shall be included in the public hospital's or a related organization's overall financial statements and such statements shall be a public record at all times.

3. The disclosure of records and meetings of a public hospital, other than those records and meetings which may be closed pursuant to this section, shall be governed by chapter 610, RSMo. This section shall not be construed to prohibit a public hospital from claiming the benefit of any other exemption to chapter 610, RSMo, pursuant to section 610.021, RSMo.

4. The provisions in 2. (1) and (2) of this section shall only apply if:

(1) The public hospital does not receive money from a tax levy imposed by the city, county or hospital district that established the hospital; and

(2) The public hospital waives its rights to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo."

Senator Steelman moved that the above substitute amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SSA 1** for **SA 7** and was joined in his request by Senators Cauthorn, DePasco, Kenney and Quick.

At the request of Senator Steelman, **SB 375**, with **SCS**, **SS** for **SCS**, **SA 7** and **SSA 1** for **SA 7** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 13**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 19**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 25**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 441**, entitled:

An Act to repeal section 95.280, RSMo 2000, relating to cities of the third class, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 521**, entitled:

An Act to repeal section 287.123, RSMo 2000, relating to workers' compensation insurance carriers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 301**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 295**.

Bill ordered enrolled.

On motion of Senator Kenney, the Senate recessed until 2:15 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Cauthorn.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 639, regarding the death of Rolla Wells Streett, St. Louis, which was adopted.

HOUSE BILLS ON THIRD READING

HB 180, introduced by Representatives Thompson and Boucher, entitled:

An Act to repeal section 217.015, RSMo 2000, relating to the department of corrections, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Sims.

On motion of Senator Sims, **HB 180** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Gibbons--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 129, introduced by Representatives Van Zandt and Campbell, entitled:

An Act to amend chapter 136, RSMo, relating to collection of state taxes by adding thereto one new section relating to government contracts for the examination of taxpayer records.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 129** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 48, introduced by Representative Relford, entitled:

An Act to repeal sections 333.041, 333.042, 333.061 and 333.081, RSMo 2000, relating to embalmers and funeral directors, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 48** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

Senator Klarich assumed the Chair.

HB 801, with **SCS**, introduced by Represen-tatives Liese and Wagner, entitled:

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modern-ization Act of 1999, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Yeckel.

SCS for **HB 801**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 801

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modern-ization Act of 1999, with an emergency clause.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 801** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 801** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bentley--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Rohrbach	Singleton	Staples--4

Absent with leave--Senator Carter--1

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Dougherty moved that motion lay on the table, which motion prevailed.

HB 454, introduced by Representative Monaco, entitled:

An Act to repeal section 475.110, RSMo 2000, relating to the removal of a guardian or conservator, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Dougherty.

On motion of Senator Dougherty, **HB 454** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Quick	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Rohrbach	Singleton--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Dougherty, title to the bill was agreed to.

Senator Dougherty moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 274**, with **SCA 1**, entitled:

An Act to repeal section 171.033, RSMo 2000, relating to inclement weather exceptions for mandatory days of school attendance, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up by Senator Klindt.

SCA 1 was taken up.

Senator Klindt moved that the above amendment be adopted.

Senator Klindt offered **SA 1** to **SCA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Amendment No. 1 to House Committee Substitute for House Bill No. 274, Page 1, Line 1, by striking "173.033" and inserting in lieu thereof the following: "171.033".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SCA 1**, as amended, be adopted, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Klindt, **HCS** for **HB 274**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Cauthorn	Childers	DePasco
Foster	Gibbons	Johnson	Kinder
Klindt	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Yeckel--20
	NAYS--Senators		
Bentley	Caskey	Dougherty	Goode
Gross	House	Jacob	Kenney
Klarich	Loudon	Westfall	Wiggins--12
	Absent--Senator Schneider--1		

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	Johnson	Kinder
Klindt	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel--23	

NAYS--Senators

Goode	House	Jacob	Kenney
Klarich	Loudon	Mathewson	Westfall--8

Absent--Senators

Quick Singleton--2

Absent with leave--Senator Carter--1

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 375**, with **SCS**, **SS** for **SCS**, **SA 7** and **SSA 1** for **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 7** was again taken up.

At the request of Senator Steelman, **SSA 1** for **SA 7** was withdrawn.

SA 7 was again taken up.

Senator Singleton offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 2, Section 197.735, Line 21, by adding after the word "physician" "**shall be available upon termination of contracts to the public**"; and

Further delete all of remaining line 21 and all of 22 to 25.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

SA 7, as amended, was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Steelman offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 26, Section 610.200, Line 19, by inserting after all of said line the following:

"Section 1. The provisions of subdivisions (1) and (2) of section 197.735, RSMo, shall only apply if the public hospital waives its rights to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 8** was withdrawn.

Senator Schneider offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 17, Section 610.022, Lines 5 to 9, by striking said lines and substitute "governmental body. The".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 7, Section 58.740, Line 16 of said page, by inserting after all of said line the following:

"188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] As used in this chapter, the following terms mean:

(1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Department", the department of health;

[(4)] (5) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

[(5)] (6) "Physician", any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] (7) "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (8) "Viability", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

188.052. 1. An individual abortion report for each abortion performed or induced upon a woman shall be completed by her attending physician. **The report shall include:**

(1) Information required by the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics, Centers for Disease Control and Prevention, United States Department of Health and Human Services, or its successor publication or agency;

(2) Additional information on the type of abortion procedure used, including the specific surgical or nonsurgical method or the specific abortion-inducing drug or drugs employed, including, but not limited to: vacuum aspiration, suction curettage, sharp curettage, dilation and evacuation or "D&E", intact D&E, dilation and extraction or "D&X", intrauterine saline instillation, intrauterine prostaglandin instillation, hysterotomy, methotrexate, mifepristone or misoprostol; and

(3) The reason or reasons the woman sought the abortion, including specific medical, social, economic or other factors, including, but not limited to: particular maternal health conditions, pregnancy resulting from rape or incest, does not want others to know of her pregnancy, others object to her pregnancy, has relationship problems with the father of the child or other family members, lack of financial support from the father of the child, disruption of education or job or desire to limit family size.

2. An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care. This report shall include, **but not be limited to:**

(1) The date of the abortion;

(2) The name and address of the abortion facility or hospital where the abortion was performed;

(3) The nature of the abortion complication diagnosed or treated.

3. All abortion reports shall be signed by the attending physician, and submitted to the [state] department [of health] within forty-five days from the date of the abortion. All complication reports shall be signed by the physician providing the post-abortion care and submitted to the department [of health] within forty-five days from the date of the post-abortion care.

4. A copy of the abortion report shall be made a part of the medical record of the patient of the facility or hospital in which the abortion was performed.

5. The [state] department [of health] shall be responsible for collecting all abortion reports and complication reports and collating and evaluating all data gathered therefrom and shall annually publish a statistical report based on such data from abortions performed **or induced and post-abortion care provided** in the previous calendar year. **The report shall specify the gestational age, by weekly increments, at which abortions were performed or induced. The report shall not include any information that would allow the public to identify a specific:**

(1) Patient who obtained an abortion or who received post-abortion care;

(2) Physician who performed or induced an abortion or who provided post-abortion care; or

(3) Hospital or abortion facility where the abortion was performed or induced or which provided post-abortion care.

188.055. 1. Every abortion facility, hospital, and physician shall be supplied with forms by the department [of health] for use in regards to the consents and reports required by sections 188.010 to 188.085. A purpose and function of such consents and reports shall be the preservation of maternal health and life by adding to the sum of medical knowledge

through the compilation of relevant maternal health and life data and to monitor all abortions performed to assure that they are done only under and in accordance with the provisions of the law.

2. All information obtained by physician, hospital, or abortion facility from a patient for the purpose of preparing reports to the department [of health under] **pursuant to** sections 188.010 to 188.085 or reports received by the [division of health] **department** shall be confidential and shall be used only for statistical purposes. Such records, however, may be inspected and health data acquired by local, state, or national public health officers.

188.070. Any [physician or other] person who [fails to maintain] **knowingly violates** the confidentiality of any records [or], reports [required under] **or documents maintained by the abortion facility or hospital or received by the department pursuant to** sections 188.010 to 188.085 is guilty of a [misdemeanor and, upon conviction, shall be punished as provided by law] **class D felony**.

191.655. 1. Any individual aggrieved by a violation of a state statute relating to the confidentiality of medical records may, if a civil remedy is not otherwise provided for in the statute, bring a civil action for damages. If it is found in a civil action that:

(1) A person has negligently violated the statute, the person is liable, for each violation, for:

(a) The greater of actual damages or liquidated damages of one thousand dollars; and

(b) Court costs and reasonable attorney's fees incurred by the person bringing the action; and

(c) Such other relief, including injunctive relief, as the court may deem appropriate; or

(2) A person has willfully or intentionally or recklessly violated the statute, the person is liable, for each violation, for:

(a) The greater of actual damages or liquidated damages of five thousand dollars; and

(b) Exemplary damages; and

(c) Court costs and reasonable attorney's fees incurred by the person bringing the action; and

(d) Such other relief, including injunctive relief, as the court may deem appropriate.

2. The remedies available in this section are cumulative and in addition to any other criminal or administrative penalties otherwise provided for by law."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 375, Page 26, Section 610.200, Line 19, by inserting after all of said line the following:

"Section 1. The provisions of subdivisions (1) and (2) of section 197.735, RSMo, shall only apply if the public hospital waives its rights to claim sovereign or governmental tort immunity protection available pursuant to sections 537.600 to 537.615, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Steelman moved that **SS** for **SCS** for **SB 375**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **SB 375**, as amended, was declared perfected and ordered printed.

President Pro Tem Kinder assumed the Chair.

Senator Goode moved that **SB 578**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 578**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 578

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program, with an expiration date.

Was taken up.

Senator Goode moved that **SCS** for **SB 578** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 578, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: "sections relating to health care services, with"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

"197.370. Sections 197.370 to 197.398 shall be known as the "Missouri Health Facilities Review Law".

197.372. The "Office of Health Facilities Review", whose purpose is to achieve the highest level of health for Missourians through cost containment, reasonable access, appropriate level of competitive choice, public accountability and preventing unnecessary duplication, is hereby established within the department of health.

197.374. As used in sections 197.370 to 197.398 the following terms mean:

- (1) "Committee", as defined in section 197.376;**
- (2) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;**
- (3) "Filed" or "filing", delivery to the staff of the committee an application and the appropriate application fee;**
- (4) "First-time service", includes the following that are proposed for the first time in a specific location or for a mobile unit:**
 - (a) Magnetic resonance imaging (MRI), positron emission tomography (PET) and linear acceleration;**

- (b) Open heart surgery;**
 - (c) Cardiac catheterization;**
 - (d) Lithotripsy;**
 - (e) Gamma knife; or**
 - (f) Other emerging technology that exceeds two million dollars.**
- (5) "Health care facilities", hospitals, intermediate care facilities, residential care facility I or II, skilled nursing facilities, diagnostic imaging centers, radiation therapy centers, ambulatory surgical facilities and licensed speciality units but excludes the private offices of physicians, dentists and other practitioners of the healing arts, including Christian Science sanatoriums;**
- (6) "New institutional health service":**
- (a) The development of a new health care facility;**
 - (b) The acquisition, including acquisition by lease, of any health care facility, except for intermediate care facilities, residential care facilities I and II, or skilled cared facilities, or facility to house a first-time service;**
 - (c) Any change in the licensed bed capacity of a hospital that increases the total number of beds by more than ten beds or more than ten percent of total bed capacity, whichever is less, over a two-year period;**
 - (d) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;**
 - (e) A reallocation by an existing health care facility of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;**
- (7) "Nonreviewable projects", those renovation or replacement projects in a current location whose cost is below seven million five hundred thousand dollars;**
- (8) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new institutional health service, but which include an expenditure over seven million five hundred thousand dollars and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;**
- (9) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality of thereof, including a municipal corporation;**
- (10) "Review certification", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.370 to 197.398;**
- (11) "Total project cost", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and includes but is not limited to land, buildings, capital improvements and all other costs necessary to establish a first-time service or a new institutional health service.**

197.376. 1. The "Missouri Health Facilities Review Committee" is hereby established under the department of health. The office of health facilities review shall provide clerical and administrative support to the committee and shall be subject to all policies and procedures of the department of health, including employment policies.

2. The committee shall be composed of:

(1) Seven members appointed by the governor with the advice and consent of the senate, not more than four of whom shall be from the same political party. Four members shall be appointed in odd numbered years and three members shall be appointed in even numbered years for two year terms, each serving no more than six years; and

(2) The director of the division of health standards and licensure within the department of health or his or her designee; and

(3) The director of the division of aging or his or her designee.

3. No business of this committee shall be performed without a majority of the full body.

4. The committee shall elect a chairman at the first meeting of each odd numbered year. The committee shall meet at least twice a year or as determined by rule.

5. Members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

6. The proceedings and records of the committee shall be subject to the provisions of chapter 610, RSMo.

197.378. The health facilities review committee shall:

(1) Review and approve or disapprove all applications for a review certification made under sections 197.370 to 197.398. It shall issue reasonable rules and regulations governing the submission, review, and disposition of applications;

(2) Notify the applicant within fifteen days of the date of filing of an application as to the completeness of such application as defined by rule;

(3) Provide written notification to persons located within this state at the beginning of a review. The notification may be given through publication of the review schedule in all newspapers of general circulation in the area to be served;

(4) Hold public hearings on all applications when a request in writing is filed by any person within thirty days from the date of publication of the notification of review;

(5) Within one hundred days of the filing of any application, issue in writing its approval or denial of the review certification; provided, that the committee may grant an extension of not more than thirty days on its own initiative or upon the written request of any person;

(6) Send to the applicant a copy of the aforesaid decisions with copies available to any person upon request;

(7) Consider the needs and circumstances of institutions providing training programs for health personnel;

(8) Consider the predominant ethnic, cultural, or religious compositions of the residents to be served by a health care facility in considering whether to grant a review certification;

(9) Failure by the committee to issue a written decision on an application for review certification within the time required by this section shall constitute approval of the final administrative action on the application and is subject to appeal pursuant to section 197.382 only on the question of approval.

197.380. 1. Any person who proposes to develop or offer a new institutional health service or a first-time service shall submit a letter of intent to the committee at least thirty days prior to the filing of the application.

2. An application fee must accompany each application for a review certification. The time of filing commences with the receipt of the application and the fee. The fee is one thousand dollars, or one-tenth of one percent of the total project cost, whichever is greater. All application fees shall be deposited in the state treasury. The general assembly will appropriate funds to the Missouri health facilities review committee.

197.382. Within thirty days of the decision of the committee, only the applicant may file an appeal pursuant to chapter 621, RSMo. Any subsequent appeal shall be to the circuit court of the county in which such health care service or facility is proposed to be developed.

197.384. 1. Any person who proposes to develop or offer a new institutional health service must obtain a review certification from the committee prior to the time such services are offered.

2. Any person who proposes a first-time service must obtain a review certification from the committee prior to the time such services are offered.

3. Any person who proposes to add new, not previously licensed, beds to an existing hospital, intermediate care facility, residential care facility I or II or skilled nursing facility must obtain a review certification. This shall not preclude the transfer of already licensed beds as defined in section 197.374.

4. Any person who proposes to renovate or replace a project in a current location whose cost is over seven million five hundred thousand dollars must obtain a review certification.

5. Those new institutional health services, first-time services, or addition of beds, that are found by the committee to meet the health needs of the community served pursuant to section 197.390, shall be granted a review certification.

6. A review certification shall be issued only for the premises and persons named in the application and is not transferable except by the consent of the committee.

7. Project cost increases, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a review certification until the project has been completed. The committee may order the forfeiture of the review certification upon failure of the applicant to file any such report.

9. A review certification shall be subject to forfeiture for failure to incur expenditures equal to twenty percent of the total approved cost of the project within twelve months after the date of the order. The applicant may request an extension from the committee of not more than six additional months to avoid forfeiture.

10. No state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed and is required to have a review certification, without first obtaining a review certification.

11. No state agency may appropriate or grant funds to or make payment of any funds to any person or health care facility that has not first obtained every review certification required pursuant to sections 197.370 to 197.398.

12. In no event shall a review certification be denied because the applicant refuses to provide abortion services or information.

13. A review certification shall not be required for the transfer of ownership of an existing and operational health care facility in its entirety.

14. A review certification may be granted for something less than that which was sought in the original

application.

15. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a review certification shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a review certification must be obtained for continued use in such facility.

197.386. Review certification is not required for:

(1) Facilities operated by the state. Appropriation of funds to such facilities by the general assembly shall be in compliance, and such facilities shall be deemed to have received an appropriate review certification without any fee or charge;

(2) Facilities which are licensed pursuant to the provisions of chapter 198, RSMo, which are designed and operated exclusively for the care and treatment of persons with acquired human immunodeficiency syndrome (AIDS). Only AIDS patients shall be residents of such a facility and no others. Any facility that violates this provision shall be liable for a fine of one hundred dollars per resident per day for each such violation;

(3) Nonreviewable projects as per subdivision (7) of section 197.374.

197.388. A review certification shall not be issued until January 1, 2003, for:

(1) Additional intermediate care facility, residential care facility I, residential care facility II or skilled nursing facility beds above the number licensed by the state except those permitted pursuant to section 197.386;

(2) Beds in a licensed hospital to be reallocated on a temporary or a permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 41 C.F.R. section 412.23(e).

197.390. The department of health shall determine, by county, whether there presently exists a need for additional skilled nursing facility beds. The average occupancy of all licensed and available skilled nursing facility beds must exceed ninety percent for at least four consecutive quarters in a particular county, and other considerations may include rural and urban distinctions, delivery of health care services, and population migration.

197.392. A residential care facility I or II or skilled nursing facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(1) Submitting a letter of intent to expand to the division of aging and the health facilities review committee;

(2) Certification from the division of aging that the facility:

(a) Has no patient care class I deficiencies within the last eighteen months; and

(b) Has maintained a ninety-percent average occupancy rate for the previous six quarters;

(3) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to subdivision (1) of this section. For purposes of this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(4) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license; or

(5) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

(a) A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

(b) A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

(c) A facility adding beds pursuant to paragraphs (a) or (b) of this subdivision shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(6) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(7) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(8) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(9) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual long-term care licensed beds to facilities qualifying pursuant to subdivisions (1) and (2) of this section. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished.

197.394. 1. Any person who is paid to support or oppose any project before the committee shall register with the staff of the committee for every project in which such person has an interest. The registration shall also include the names and addresses of any person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478, RSMo.

2. Any person regulated by chapter 197 or 198, RSMo, and any officer, attorney, agent and employee thereof, shall not offer to any committee member or to any member of the committee staff, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind while such application is pending before the committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class D felony.

197.396. For the purposes of reimbursement under section 208.152, RSMo, project costs for new institutional health services in excess of ten percent of the initial project estimate shall not be eligible for reimbursement for the first three years that a facility receives payment for services provided under section 208.152, RSMo. The initial estimate shall be that amount for which the original review certification was obtained. Reimbursement for these excess costs after the first three years shall not be made until a review certification has been granted for the excess project costs. The provisions of this section shall apply only to facilities which file an application for a review certification or make application for cost-override review of their original application or waiver.

197.397. The health facilities review committee shall submit an annual report to the governor and members of the general assembly on all projects that have come before the committee and have been approved, are in process or have been disapproved.

197.398. The committee shall have the power to promulgate reasonable rules, regulations, criteria and standards in conformity with this section and chapter 536, RSMo, to meet the objectives of sections 197.370 to 197.398 including the power to establish criteria and standards to review new types of equipment or service. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 197.370 to 197.398 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, sections 536.028, RSMo. All rulemaking authority delegated prior to August 28, 2001, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 2001, if it fully complied with all applicable provisions of the law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void."; and

Further amend said bill, Page 2, Section 208.480, Line 2, by inserting after all of said line the following:

"[197.300. Sections 197.300 to 197.366 shall be known as the "Missouri Certificate of Need Law".]

[197.305. As used in sections 197.300 to 197.366, the following terms mean:

- (1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;
- (2) "Agency", the certificate of need program of the Missouri department of health;
- (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;
- (4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;
- (5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;
- (6) "Expenditure minimum" shall mean:
 - (a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment, provided, however, that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection 7 of section 197.318;
 - (b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and
 - (c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;
- (7) "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, kidney disease treatment

centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(10) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(11) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(12) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(13) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.]

[197.310. 1. The "Missouri Health Facilities Review Committee" is hereby established. The agency shall provide clerical and administrative support to the committee. The committee may employ additional staff as it deems necessary.

2. The committee shall be composed of:

- (1) Two members of the senate appointed by the president pro tem, who shall be from different political parties; and
- (2) Two members of the house of representatives appointed by the speaker, who shall be from different political parties; and
- (3) Five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be from the same political party.

3. No business of this committee shall be performed without a majority of the full body.

4. The members shall be appointed as soon as possible after September 28, 1979. One of the senate members, one of the house members and three of the members appointed by the governor shall serve until January 1, 1981, and the remaining members shall serve until January 1, 1982. All subsequent members shall be appointed in the manner provided in subsection 2 of this section and shall serve terms of two years.

5. The committee shall elect a chairman at its first meeting which shall be called by the governor. The committee shall meet upon the call of the chairman or the governor.

6. The committee shall review and approve or disapprove all applications for a certificate of need made under sections 197.300 to 197.366. It shall issue reasonable rules and regulations governing the submission, review and disposition of applications.

7. Members of the committee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

8. Notwithstanding the provisions of subsection 4 of section 610.025, RSMo, the proceedings and records of the facilities review committee shall be subject to the provisions of chapter 610, RSMo.]

[197.311. No member of the Missouri health facilities review committee may accept a political donation from any applicant for a license.]

[197.312. A certificate of need shall not be required for any institution previously owned and operated for or in behalf of a city not within a county which chooses to be licensed as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, for a facility of ninety beds or less that is owned or operated by a not-for-profit corporation which is exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is licensed by the division of aging by July 1, 1996, as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, or for a facility, serving exclusively mentally ill, homeless persons, of sixteen beds or less that is owned or operated by a not-for-profit corporation which is exempt from federal income tax which is described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the division of aging of plans for construction of such facility by May 1, 1996, and is licensed by the division of aging by July 1, 1996, as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, or a residential care facility II located in a city not within a county operated by a not for profit corporation which is exempt from federal income tax which is described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which is licensed for one hundred beds or less on or before August 28, 1997.]

[197.314. 1. The provisions of sections 197.300 to 197.366 shall not apply to any sixty-bed stand-alone facility designed and operated exclusively for the care of residents with Alzheimer's disease or dementia and located in a tax increment financing district established prior to 1990 within any county of the first classification with a charter form of government containing a city with a population of over three hundred fifty thousand and which district also has within its boundaries a skilled nursing facility.

2. The provisions of sections 197.300 to 197.366 shall not apply, as hereinafter stated, to a skilled nursing facility that is owned or operated by a not-for-profit corporation which was created by a special act of the Missouri general assembly, is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, is owned by a religious organization and is to be operated as part of a continuing care retirement community offering independent living, residential care and skilled care. This exemption shall authorize no more than twenty additional skilled nursing beds at each of two facilities which do not have any skilled nursing beds as of January 1, 1999.]

[197.315. 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or

information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge.

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the mentally retarded.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility.]

[197.316. 1. The provisions of subsection 10 of section 197.315 and sections 197.317 and 197.318 shall not apply to facilities which are licensed pursuant to the provisions of chapter 198, RSMo, which are designed and operated exclusively for the care and treatment of persons with acquired human immunodeficiency syndrome, AIDS.

2. If a facility is granted a certificate of need and is found to be exempt from the provisions of subsection 10 of section 197.315 and sections 197.317 and 197.318 pursuant to the provisions of subsection 1 of this section, then only AIDS patients shall be residents of such facility and no others.

3. Any facility that violates the provisions of subsection 2 of this section shall be liable for a fine of one hundred dollars per resident per day for each such violation.

4. The attorney general shall, upon request of the department of health, bring an action in a circuit court of competent jurisdiction for violation of this section.]

[197.317. 1. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (10) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1, 2003, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to January 1, 2004. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

2. The health facilities review committee shall utilize demographic data from the office of social and economic data analysis, or its successor organization, at the University of Missouri as their source of information in considering applications for new institutional long-term care facilities.]

[197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification.

2. The Missouri health facilities review committee may, for any facility certified to it by the department, consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a certificate of need.

3. There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire January 1, 2003.

4. As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.

5. The provisions of section 197.317 shall not apply to any facility where at least ninety-five percent of the patients require diets meeting the dietary standards defined by section 196.165, RSMo.

6. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria and standards for long-term care beds.

7. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

8. Notwithstanding any other provision of this chapter to the contrary:

(1) A facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(a) Submitting a letter of intent to expand to the division of aging and the health facilities review committee;

(b) Certification from the division of aging that the facility:

a. Has no patient care class I deficiencies within the last eighteen months; and

b. Has maintained a ninety-percent average occupancy rate for the previous six quarters;

(c) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license; or

(e) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

b. A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(2) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(3) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(4) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual long-term care licensed beds to facilities qualifying pursuant to paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished.

9. Any existing licensed and operating health care facility offering long-term care services may replace one-half of its licensed beds at the same site or a site not more than thirty miles from its current location if, for at least the most recent four consecutive calendar quarters, the facility operates only fifty percent of its then licensed capacity with every resident residing in a private room. In such case:

(1) The facility shall report to the division of aging vacant beds as unavailable for occupancy for at least the most recent four consecutive calendar quarters;

(2) The replacement beds shall be built to private room specifications and only used for single occupancy; and

(3) The existing facility and proposed facility shall have the same owner or owners, regardless of corporate or business structure, and such owner or owners shall stipulate in writing that the existing facility beds to be replaced will not later be used to provide long-term care services. If the facility is being operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

10. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198, RSMo, from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility.]

[197.320. The committee shall have the power to promulgate reasonable rules, regulations, criteria and standards in conformity with this section and chapter 536, RSMo, to meet the objectives of sections 197.300 to 197.366 including the power to establish criteria and standards to review new types of equipment or service. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 197.300 to

197.366 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.]

[197.325. Any person who proposes to develop or offer a new institutional health service shall submit a letter of intent to the committee at least thirty days prior to the filing of the application.]

[197.326. 1. Any person who is paid either as part of his normal employment or as a lobbyist to support or oppose any project before the health facilities review committee shall register as a lobbyist pursuant to chapter 105, RSMo, and shall also register with the staff of the health facilities review committee for every project in which such person has an interest and indicate whether such person supports or opposes the named project. The registration shall also include the names and addresses of any person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478, RSMo.

2. A member of the general assembly who also serves as a member of the health facilities review committee is prohibited from soliciting or accepting campaign contributions from any applicant or person speaking for an applicant or any opponent to any application or persons speaking for any opponent while such application is pending before the health facilities review committee.

3. Any person regulated by chapter 197 or 198, RSMo, and any officer, attorney, agent and employee thereof, shall not offer to any committee member or to any person employed as staff to the committee, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind or any campaign contribution while such application is pending before the health facilities review committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class D felony.]

[197.327. 1. If a facility is granted a certificate of need pursuant to sections 197.300 to 197.365 based on an application stating a need for additional Medicaid beds, such beds shall be used for Medicaid patients and no other.

2. Any person who violates the provisions of subsection 1 of this section shall be liable to the state for civil penalties of one hundred dollars for every day of such violation. Each nonMedicaid patient placed in a Medicaid bed shall constitute a separate violation.

3. The attorney general shall, upon the request of the department, bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The department may bring such an action itself. The civil action may be brought in the circuit court of Cole County or, at the option of the director, in another county which has venue of an action against the person under other provisions of law.]

[197.330. 1. The committee shall:

(1) Notify the applicant within fifteen days of the date of filing of an application as to the completeness of such application;

(2) Provide written notification to affected persons located within this state at the beginning of a review. This notification may be given through publication of the review schedule in all newspapers of general circulation in the area to be served;

(3) Hold public hearings on all applications when a request in writing is filed by any affected person within thirty days from the date of publication of the notification of review;

- (4) Within one hundred days of the filing of any application for a certificate of need, issue in writing its findings of fact, conclusions of law, and its approval or denial of the certificate of need; provided, that the committee may grant an extension of not more than thirty days on its own initiative or upon the written request of any affected person;
- (5) Cause to be served upon the applicant, the respective health system agency, and any affected person who has filed his prior request in writing, a copy of the aforesaid findings, conclusions and decisions;
- (6) Consider the needs and circumstances of institutions providing training programs for health personnel;
- (7) Provide for the availability, based on demonstrated need, of both medical and osteopathic facilities and services to protect the freedom of patient choice; and
- (8) Establish by regulation procedures to review, or grant a waiver from review, nonsubstantive projects.

The term "filed" or "filing" as used in this section shall mean delivery to the staff of the health facilities review committee the document or documents the applicant believes constitute an application.

2. Failure by the committee to issue a written decision on an application for a certificate of need within the time required by this section shall constitute approval of and final administrative action on the application, and is subject to appeal pursuant to section 197.335 only on the question of approval by operation of law.]

[197.335. Within thirty days of the decision of the committee, the applicant may file an appeal to be heard de novo by the administrative hearing commissioner, the circuit court of Cole County or the circuit court in the county within which such health care service or facility is proposed to be developed.]

[197.340. Any health facility providing a health service must notify the committee of any discontinuance of any previously provided health care service, a decrease in the number of licensed beds by ten percent or more, or the change in licensure category for any such facility.]

[197.345. Any health facility with a project for facilities or services for which a binding construction or purchase contract has been executed prior to October 1, 1980, or health care facility which has commenced operations prior to October 1, 1980, shall be deemed to have received a certificate of need, except that such certificate of need shall be subject to forfeiture under the provisions of subsections 8 and 9 of section 197.315.]

[197.355. The legislature may not appropriate any money for capital expenditures for health care facilities until a certificate of need has been issued for such expenditures.]

[197.357. For the purposes of reimbursement under section 208.152, RSMo, project costs for new institutional health services in excess of ten percent of the initial project estimate whether or not approval was obtained under subsection 7 of section 197.315 shall not be eligible for reimbursement for the first three years that a facility receives payment for services provided under section 208.152, RSMo. The initial estimate shall be that amount for which the original certificate of need was obtained or, in the case of facilities for which a binding construction or purchase contract was executed prior to October 1, 1980, the amount of that contract. Reimbursement for these excess costs after the first three years shall not be made until a certificate of need has been granted for the excess project costs. The provisions of this section shall apply only to facilities which file an application for a certificate of need or make application for cost-overrun review of their original application or waiver after August 13, 1982.]

[197.366. The provisions of subdivision (8) of section 197.305 to the contrary notwithstanding, after December 31, 2001, the term "health care facilities" in sections 197.300 to 197.366 shall mean:

- (1) Facilities licensed under chapter 198, RSMo;

- (2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo;
- (3) Long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR, section 412.23(e); and
- (4) Construction of a new hospital as defined in chapter 197.]

[197.367. Upon application for renewal by any residential care facility I or II which on the effective date of this act has been licensed for more than five years, is licensed for more than fifty beds and fails to maintain for any calendar year its occupancy level above thirty percent of its then licensed beds, the division of aging shall license only fifty beds for such facility.]" and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the bill.

Senator Klarich assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 578, Page 2, Section 208.471, Line 38, by inserting after all of said line the following:

"4. Notwithstanding any law, statute or rule, hospital and clinics associated with a land grant university shall be reimbursed at no lower level than any other hospital in the state of Missouri."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **SB 578**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 578**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SBs 551, 410, 539, 528 and 296; HB 808 and HB 951**, with **SCS; HB 742**, with **SCS; HB 321**; and **HB 218**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 448 and 588 and SCS for SB 505**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

CONCURRENT RESOLUTIONS

Senator Bland offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 32

WHEREAS, providing public education is the primary duty of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the General Assembly has the primary responsibility to provide for public education by the passage of laws and appropriations; and

WHEREAS, the Kansas City Missouri School District has been involved in federal school desegregation litigation since 1977, and has been subject to federal court orders and federal court control since 1984; and

WHEREAS, the Kansas City Missouri School District was classified as unaccredited in May 2000 by the State Board of Education, only meeting three of the eleven Missouri School Improvement Program performance indicators required to achieve state accreditation; and

WHEREAS, the Kansas City Missouri School District has experienced a high rate of superintendent turnover and discord within the school board and between the school board and the superintendent; and

WHEREAS, various proposals have been offered and discussed during the First Regular Session of the Ninety-first General Assembly concerning the governance of the Kansas City Missouri School District and the possibility of state involvement in governance of the district;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint interim committee on the Kansas City Missouri School District be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate and to include the chair of the Senate Education committee, a former chair of the Senate Education Committee, at least three Senators representing a portion of the Kansas City Missouri School District and two Senators not representing any portion of the Kansas City Missouri School District and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives and to include the chair of the House Elementary and Secondary Education Committee, a former chair of the House Elementary and Secondary Education Committee, three Representatives representing a portion of the Kansas City Missouri School District and two Representatives not representing any portion of the Kansas City Missouri School District; and

BE IT FURTHER RESOLVED that said committee shall research, review and evaluate options to improve the quality of education and improve student academic success in the Kansas City Missouri School District; and

BE IT FURTHER RESOLVED that said committee shall conduct a study of the history, development and patterns of urban education in the Kansas City Missouri School District and in other urban school districts across the nation over at least the last twenty years and shall review the history and performance of the Kansas City Missouri School District over at least the last twenty years to assess when educational deficiencies began in the school district and determine the current strengths and weaknesses of the school district's educational system; and

BE IT FURTHER RESOLVED that the committee shall work to develop options to establish a new process whereby the district may improve educational quality, improve student academic success and meet existing requirements applicable to school districts; and

BE IT FURTHER RESOLVED that the committee may make such findings as it deems appropriate and may make such recommendations to the State Board of Education as it deems appropriate;

BE IT FURTHER RESOLVED that said committee prepare a report for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests, community groups and any other interested persons; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

THIRD READING OF SENATE BILLS

SCS for SBs 247 and 330, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 247 and 330

An Act to repeal sections 226.540, 226.550 and 226.585, RSMo 2000, relating to highway beautification, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Westfall.

On motion of Senator Westfall, **SCS** for **SBs 247** and **330** was read the 3rd time and passed by the following vote:

YEAS--Senators

Cauthorn	Childers	DePasco	Foster
Gibbons	House	Johnson	Kenney
Klarich	Mathewson	Quick	Russell
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Yeckel--19	

NAYS--Senators

Bentley	Caskey	Dougherty	Goode
Gross	Kinder	Klindt	Loudon
Rohrbach	Schneider	Sims	Wiggins--12

Absent--Senators

Bland	Jacob--2
Absent with leave--Senator Carter--1	

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators

Cauthorn	Childers	Foster	Gibbons
House	Johnson	Kenney	Mathewson
Quick	Russell	Staples	Stoll
Westfall	Yeckel--14		

NAYS--Senators

Caskey	DePasco	Dougherty	Goode
Gross	Kinder	Klarich	Klindt
Loudon	Rohrbach	Schneider	Scott
Sims	Singleton	Steelman	Wiggins--16

Absent--Senators

Bentley	Bland	Jacob--3
Absent with leave--Senator Carter--1		

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 551, 410, 539, 528** and **296**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 551, 410, 539, 528 and 296

An Act to repeal sections 208.029, 210.170, 210.536 and 453.073, RSMo 2000, relating to children and families, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SBs 551, 410, 539, 528 and 296** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Bentley	Bland	Jacob--3
	Absent with leave--Senator Carter--1	

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SJR**s **1** and **4**, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTIONS NOS. 1 and 4

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

Was taken up.

Senator Gross assumed the Chair.

Senator Gibbons assumed the Chair.

On motion of Senator Schneider, **SS** for **SCS** for **SJR**s **1** and **4** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	DePasco	Dougherty	Goode
Jacob	Johnson	Kenney	Klarich

Mathewson	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Westfall	Wiggins	Yeckel--19	
	NAYS--Senators		
Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	House	Kinder
Klindt	Loudon	Russell	Steelman
Stoll--13			
	Absent--Senator Bentley--1		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 369**, introduced by Senator Steelman, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 369

An Act to amend chapter 67, RSMo, by adding thereto nine new sections relating to utility access to public rights-of-way, with an emergency clause.

Was taken up.

Senator Rohrbach assumed the Chair.

On motion of Senator Steelman, **SS** for **SCS** for **SB 369** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Cauthorn	Dougherty	Gibbons
Gross	House	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Scott	Sims	Staples	Steelman
Stoll	Yeckel--18		
	NAYS--Senators		
Caskey	Childers	DePasco	Foster
Goode	Jacob	Johnson	Mathewson
Quick	Russell	Schneider	Singleton
Westfall	Wiggins--14		
	Absent--Senator Bentley--1		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS--Senators

Bland	Cauthorn	Gibbons	House
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Staples	Steelman
Stoll	Yeckel--14		
	NAYS--Senators		
Caskey	Childers	DePasco	Dougherty
Foster	Goode	Gross	Jacob
Johnson	Mathewson	Quick	Russell
Schneider	Scott	Singleton	Westfall
Wiggins--17			
	Absent--Senators		
Bentley	Sims--2		
	Absent with leave--Senator Carter--1		

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 448** and **588** and **SCS** for **SB 505** to the Committee on State Budget Control.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 544**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 302** and **38**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 80**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 157**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HCS** for **HBs 144** and **46**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Bentley, Chairman of the Committee on Education, Senator Childers submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HJR 5**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 949**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HCS** for **HB 762**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HJR 11**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 567**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 575**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HB 381**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 444**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 444, Page 1, Section 513.605, Line 1, by inserting an opening bracket "[" before the numeral "513.645" and further amend said line by inserting after the numeral "513.645" the following: "] **513.653**"; and

Further amend said bill, page 2, section 513.605, line 13, by inserting an opening bracket "[" before the numeral "513.645" and further amend said line by inserting after the numeral "513.645" the following: "] **513.653**"; and

Further amend said bill, Page 3, Section 513.605, Line 48, by deleting all of said line and inserting in lieu thereof the following: "**subdivision of this state; except that seizing agency does not include a federal task force supervised by a federal agency comprised of federal and state or local law enforcement agents operating pursuant to a**

written agreement signed by the supervising federal agency and the local law enforcement agency, limited to federal task forces operating and seizures only at an international airport within a municipality with a population of at least two hundred fifty thousand;"; and

Further amend said bill, page 3, section 513.607, line 15, by inserting an opening bracket "[" before the numeral "3" and further amend said line by inserting after the numeral "3" the following "]" **4**"; and

Further amend said bill, Page 5, Section 513.647, Line 5, by deleting all of said line and inserting in lieu thereof the following: "**seizing agency; except that seizing agency does not include a federal task force supervised by a federal agency comprised of federal and state or local law enforcement agents operating pursuant to a written agreement signed by the supervising federal agency and the local law enforcement agency, limited to federal task forces operating and seizures only at an international airport within a municipality with a population of at least two hundred fifty thousand.** The prosecuting attorney and the circuit judge shall not approve any transfer"; and

Further amend the title and enacting clause accordingly.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 421**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 385**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HBs 205, 323 and 549**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Loudon, Chairman of the Committee on Labor and Industrial Relations, Senator Kenney submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HB 662**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 510, 512 and 133**; **SCS No. 2** for **SB 66**; **SS** for **SCS** for **SB 525**; and **SS** for **SCS** for **SB 226**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SCR 31** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 640, regarding Shirley Sisco, St. Charles, which was adopted.

Senator Bentley offered Senate Resolution No. 641, regarding Otto Jonathan Reinhart Fajen, Columbia, which was

adopted.

Senator Kenney offered Senate Resolution No. 642, regarding Kenneth J. "Kenny" Sickman, Grain Valley, which was adopted.

Senator Kenney offered Senate Resolution No. 643, regarding Chris Ambrose, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 644, regarding Jacob Benjamin "Ben" Gray, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 645, regarding Brent Cook, Blue Springs, which was adopted.

Senator Caskey offered Senate Resolution No. 646, regarding the 2000-2001 Central Missouri State University Debate Team, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, Dale Finke, Lake St. Louis.

Senator House introduced to the Senate, Rhett Hurless, Eric Rogers and Douglas Einck, Dallas, Texas.

Senator Singleton introduced to the Senate, Thelma Neff and Pachyderms from Springfield.

Senator Kenney introduced to the Senate, former Lieutenant Governor Bill Phelps, Blue Springs.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Richard Burns, M.D., Columbia.

Senator Childers introduced to the Senate, George Parker, founder of Pachyderms.

Senator Stoll introduced to the Senate, sixty fourth grade students and parents from Antonia Elementary School, Jefferson County.

Senator Sims introduced to the Senate, forty-six fifth grade students from Oak Hill School, St. Louis; and Art Zeis, Danny O'Neil, Maggie Epstein and Corinn Griesedieck were made honorary pages.

Senator Mathewson introduced to the Senate, Rich Cole, Audrey Warman, Noble Bellis and Tiffany Rodriguez, Lexington; and Audrey, Noble and Tiffany were made honorary pages.

Senator Bentley introduced to the Senate, twenty-two eighth grade students from St. Agnes School, Springfield; and Alex Cadle, Luke Gray, Kathleen Kelly and Paulina Tuell were made honorary pages.

Senator Klindt introduced to the Senate, Brandi Carder and Jill Wilkinson, Gallatin.

On behalf of Senator Cauthorn, the President introduced to the Senate, Harriet Beard, Kirksville.

Senator Johnson introduced to the Senate, Missouri's 2001-2002 National Distinguished Principal, Michael Otto, Principal, Graden Elementary School, Park Hill; his wife, Lou and their sons, Andrew and Alex; his parents Ralph and Angie Otto and his sister, Stacy Nanneman, Jefferson City.

Senator Wiggins introduced to the Senate, Robert J. Young, Houston, Texas.

Senator Rohrbach introduced to the Senate, Jim and Caitlin Deeken, Abby Spieler and Kayla Elliott, California.

Senator Bentley introduced to the Senate, representatives of the Southwest Missouri State University Lady Bears Basketball Organization: Coaches Cheryl Burnett, Karen Rapier, Scott Norris and Lannett Robinson; and Players Jackie Stiles, Tara Mitchem, Carly Deer, Erica Vicence, Erika Rante, Ann Cavey, Kinga Kiss, Stephanie Buabey,

Morgan Wohenberger, Melody Campbell, Tiny McMorris and Dzenata Kaolic.

Senator Schneider introduced to the Senate, Bill Rowe, Athletic Director and the architect behind the Fabulous Lady Bears.

Senator Rohrbach introduced to the Senate, Steve Ahlers, Jeff Ahlers, Sharon McQueen, Amy Yoakum, Anne Wilde and Scouts from Immaculate Conception Catholic School, Jefferson City; and Conner, Koehly and Casey Ahlers, Brian McQueen, Devin and Ian Yoakum, Seth Rackers and Cody and Brennan Wilde were made honorary pages.

Senator Bland introduced to the Senate, Dr. Bernard Taylor, Mrs. Judy Morgan and Mrs. Helen Ragsdale, Kansas City.

Senator Childers introduced to the Senate, his wife, Sue, Reeds Spring; and Albert Linhardt, Jefferson City.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SECOND DAY-THURSDAY, APRIL 26, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SCS for SBs 52 & 91-Childers

(In Budget Control)

SS for SCS for SBs 448 &

588-Sims (In Budget Control)

SCS for SB 505-Loudon

(In Budget Control)

SS for SCS for SBs 510,

512 & 133-Kenney

SCS#2 for SB 66-Gibbons

SS for SCS for SB 525-

Cauthorn

SS for SCS for SB 226-

Goode SENATE BILLS FOR PERFECTION

1. SB 242-Kenney

2. SB 225-Mathewson,

with SCS

3. SB 180-Klarich

4. SB 583-Yeckel

5. SB 488-Klindt, et al,

with SCS

6. SB 387-Goode, et al,

with SCS

7. SB 455-Kinder, et al,

with SCS

8. SBs 334 & 228-Kinder,

with SCS

9. SB 469-Gross, et al

10. SB 546-Kenney, et al,

with SCS

11. SB 337-House and Kinder

12. SB 593-Klindt, with SCS

13. SB 509-Cauthorn and Klindt

14. SBs 42 & 108-Kenney,

with SCS

15. SB 565-Staples

16. SB 596-Loudon

17. SB 597-Singleton

18. SB 268-Schneider,

with SCS

19. SBs 249 & 523-Wiggins,

with SCS

20. SBs 508 & 468-

Cauthorn and Klindt,

with SCS HOUSE BILLS ON THIRD READING

1. HCS for HB 207, with

SCA 1 (Childers)

(In Budget Control)

2. HB 954-Hosmer (Westfall)

3. HCS for HB 13, with SCS

(Russell)

4. HCS for HB 18, with SCS

(Russell)

5. HCS for HB 19, with SCS

(Russell)

6. HB 544-Holand and

Treadway, with SCS

7. HCS for HBs 302 & 38,

with SCS (Westfall)

8. HB 80-Ross, with SCS

(Kenney)

9. HB 157-Hosmer, with

SCS (Bentley)

10. HCS for HBs 144 & 46,

with SCS

11. HJR 5-Barry, et al (Yeckel)

12. HB 949-Barry, with

SCS (Sims)

13. HS for HCS for HB 762-

Barry, with SCS

14. HS for HJR 11-Gambaro

(Goode)

15. HCS for HB 567, with

SCS (Klarich)

16. HB 575-O'Connor, et al,

with SCS (Kenney)

17. HS for HB 381-Hoppe,

with SCS

18. HB 444-Kreider, et al,

with SCA 1

19. HS for HB 421-Hoppe,

with SCS

20. HB 385-Franklin, with SCS

21. HCS for HBs 205, 323

& 549, with SCS (Childers)

22. HB 662-Green (73) and

St. Onge, with SCS INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al, with

SCS & SS for SCS (pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with SCS

& SS for SCS (pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SJR 11-Yeckel

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/10

HB 218-Farnen, et al
(Kenney)

Reported 4/11

HB 537-Ostmann, et al
(Klarich)

HB 603-Hilgemann, et al,
with SCS (Sims)

HB 212-Ward, with SCS
(Rohrbach)

HB 644-Burton, with SCS

(Jacob)

HB 459-Liese, et al, with

SCS (Rohrbach)

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,

with SCS (Klarich)

HB 955-Green (73), with

SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and

Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al

(Wiggins)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and

Vogel, with SCS (Rohrbach)

HB 742-Harding, et al,

with SCS (Johnson)

HB 922-Gaskill and

Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh

(Bentley)

HB 596-Kennedy and

Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface

(Singleton)

HB 408-Kelley (47)

(Kenney)

HB 84-Richardson (Childers)

HB 788-O'Connor (Gross)

Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,

with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS

(Bentley)

HB 420-Williams, et al

(Westfall)

HB 458-Lawson, et al

(Klindt)

HB 470-Shields and

Hegeman (Johnson)

HBs 648, 477 & 805-

Ostmann, et al, with

SCS (Westfall)

HB 691-Barnett, et al,

with SCS (Klindt)

HB 897-Kreider, et al

(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al

(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with

SCS (Rohrbach)

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 441-Caskey, with HCS

SB 521-Mathewson, with

HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell) RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) To be Referred

SCR 32-Bland

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 5-Mays (Goode)

HS for HCR 6-Myers

(Kenney)

HCR 10-Holand (Bentley)

HCR 24-Boucher, with SCS

(Yeckel)

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SECOND DAY--THURSDAY, APRIL 26, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Senator Schneider offered the following prayer:

Dear Lord, You promised that if we come together in Your Name that You would be with us. We ask You to be with us this day; that You give us Your wisdom and insight to see the truth and the courage to act on it. Bless us with anger at injustice as we seek equity and peace for those we serve. In Your Name, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 647, regarding Stanton and Casseille Gammon, Vernon County, which was adopted.

Senator Westfall offered Senate Resolution No. 648, regarding Deputy John Randall, Vernon County, which was adopted.

Senator Westfall offered Senate Resolution No. 649, regarding Communications Officer Donna Sagar, Vernon County, which was adopted.

Senator Stoll offered Senate Resolution No. 650, regarding Eva C. Kirkpatrick, Hillsboro, which was adopted.

Senator Bentley offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 651

WHEREAS, it is with great pride and sincere admiration that the members of the Missouri Senate pause to recognize a momentous milestone in the life of one of Boone County's youngest citizens; and

WHEREAS, Otto Jonathan Reinhart Fajen of Columbia, Missouri, will commemorate the splendid occasion of his First Birthday on April 25, 2001; and

WHEREAS, Otto Jonathan Reinhart Fajen came into this world in Columbia on April 25, 2000, as the tiny infant son born to proud and loving parents Otto Fajen, a Senior Analyst with Senate Research at the Missouri State Capitol, and Lisa Boyer, a Counselor at Oakland Junior High School in Columbia; and

WHEREAS, Otto Jonathan Reinhart Fajen was pronounced the very picture of infant health by the doctors and nurses at Boone Hospital in Columbia where he was born exactly one year ago today; and

WHEREAS, Otto Jonathan Reinhart Fajen has made many significant strides during his first year of life and has flourished with the love and attention of his proud parents and the bond that he has formed with his beloved Raggedy Andy doll, to which he remains deeply devoted and strongly attached:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in extending our most hearty congratulations to Otto Jonathan Reinhart Fajen upon the celebration of his First Birthday, and in wishing him continued success in the challenging years to come; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Otto Jonathan Reinhart Fajen.

Senator Gross offered Senate Resolution No. 652, regarding Brian Bolton, which was adopted.

On behalf of Senator Carter, Senator Quick offered Senate Resolution No. 653, regarding Jared Swanegan, which was adopted.

Senator Sims offered Senate Resolution No. 654, regarding Elizabeth McCracken, which was adopted.

Senator Sims offered Senate Resolution No. 655, regarding Blair Douglass, Wildwood, which was adopted.

Senator Sims offered Senate Resolution No. 656, regarding Teresa Moore, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 657, regarding Lana Moss, Manchester, which was adopted.

Senator Sims offered Senate Resolution No. 658, regarding Julia Graham, St. Louis, which was adopted.

Senator Steelman offered Senate Resolution No. 659, regarding Tommy Robbins, which was adopted.

Senator Steelman offered Senate Resolution No. 660, regarding Susan Trueblood, Rolla, which was adopted.

Senator Sims offered Senate Resolution No. 661, regarding Kendra Koerner, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 662, regarding Melissa Durant, Manchester, which was adopted.

Senator Sims offered Senate Resolution No. 663, regarding Rebecca Garrett, Florissant, which was adopted.

Senator Sims offered Senate Resolution No. 664, regarding Sarah E. Geimer, Imperial, which was adopted.

Senator Sims offered Senate Resolution No. 665, regarding Nichole Shaffer, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 666, regarding Ashleigh Satterly, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 667, regarding Julianna Wokurka, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 668, regarding Adrienne Zeiter, Fenton, which was adopted.

Senator Russell offered Senate Resolution No. 669, regarding Nicholas W. Inman, Marshfield, which was adopted.

Senator Russell offered Senate Resolution No. 670, regarding Cinthia Rousseau, Springfield, which was adopted.

Senator Russell offered Senate Resolution No. 671, regarding the One Hundredth Anniversary of the First Christian Church, Dixon, which was adopted.

Senator Yeckel offered Senate Resolution No. 672, regarding Misty McCoy, which was adopted.

Senator Yeckel offered Senate Resolution No. 673, regarding Lucinda "Cindy" Herschel, Webster Groves, which was adopted.

Senator Yeckel offered Senate Resolution No. 674, regarding Ophelia Myers, Byrnes Mill, which was adopted.

Senator Schneider offered Senate Resolution No. 675, regarding Ben Winfrey, which was adopted.

Senator Yeckel offered Senate Resolution No. 676, regarding Bradley Gross, St. Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Steelman, Chairman of the Committee on Commerce and Environment, Senator Kenney submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HCS** for **HB 425**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HB 954, introduced by Representative Hosmer, entitled:

An Act to repeal sections 302.505, 302.510, 302.520, 302.541 and 302.545, RSMo 2000, and to enact in lieu thereof five new sections relating to license suspension and revocation procedures for persons under twenty-one years of age.

Was taken up by Senator Westfall.

At the request of Senator Westfall, **HB 954** was placed on the Informal Calendar.

At the request of Senator Russell, **HCS** for **HB 13**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Russell, **HCS** for **HB 18**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Russell, **HCS** for **HB 19**, with **SCS**, was placed on the Informal Calendar.

HB 544, with **SCS**, introduced by Representatives Holand and Treadway, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to medical records.

Was taken up by Senator Bentley.

SCS for **HB 544**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 544

An Act to repeal sections 354.606, 376.383 and 376.406, RSMo 2000, relating to health care services, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **HB 544** be adopted.

Senator Singleton offered **SS** for **SCS** for **HB 544**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 544

An Act to repeal sections 198.530, 354.606, 376.383 and 376.406, RSMo 2000, relating to health care services, and to enact in lieu thereof five new sections relating to the same subject.

Senator Singleton moved that **SS** for **SCS** for **HB 544** be adopted.

At the request of Senator Bentley, **HB 544**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Rohrbach assumed the Chair.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 510, 512 and 133**; **SS** for **SCS** for **SB 525**; **SS** for **SCS** for **SB 226**; **HB 80**, with **SCS**; **HCS** for **HBs 144 and 46**, with **SCS**; **HS** for **HCS** for **HB 762**, with **SCS**; **HCS** for **HB 567**, with **SCS**; **HS** for **HB 381**, with **SCS**; and **HCS** for **HBs 205, 323 and 549**, with **SCS**, to the Committee on State Budget Control.

President Pro Tem Kinder referred **SCR 32** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

CONCURRENT RESOLUTIONS

Senator Bentley moved that **HCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Bentley, **HCR 10** was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senator Carter--1

SENATE BILLS FOR PERFECTION

At the request of Senator Kenney, **SB 242** was placed on the Informal Calendar.

Senator Mathewson moved that **SB 225**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 225**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 225

An Act to repeal section 660.050, RSMo 2000, relating to the department of health and senior services, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 225** be adopted.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 225, Page 1, Section 192.002, Line 2 of said page, by inserting after all of said line the following:

"660.026. The director of the department of social services or the director's designee may contract with and provide funding support to federally qualified health centers in this state. A federally qualified health center is an entity as defined in 42 U.S.C. 1396d(1)(2)(B). Funds appropriated in support of this section will be used to assist federally qualified health centers in ensuring that health care is available to underserved persons in this state. Such funds may also be used by federally qualified health centers to support their capital expansion, infrastructure, redesign or other similar uses, in those cases where federal funds are not available for such purposes, and for other services such as dental care and mental health services."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson moved that **SCS** for **SB 225**, as amended, be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 225**, as amended, was declared perfected and ordered printed.

Senator Klarich moved that **SB 180** be taken up for perfection, which motion prevailed.

On motion of Senator Klarich, **SB 180** was declared perfected and ordered printed.

SB 583 was placed on the Informal Calendar.

SB 488, with **SCS**, was placed on the Informal Calendar.

Senator Kenney moved that **SB 242** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Kenney offered **SS** for **SB 242**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 242

An Act to repeal section 166.300, RSMo 2000, relating to capital improvement funds for elementary and secondary schools, and to enact in lieu thereof nine new sections relating to the same subject.

Senator Kenney moved that **SS** for **SB 242** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 242, Page 16, Section 166.335, Line 9, by inserting after all of said line the following:

"Section 1. Notwithstanding any other provision of section 165.011, RSMo, to the contrary, for unauthorized transfers made during 1997-98 and thereafter, no more than fifty percent of the total amount of the unauthorized transfers shall be deducted from a district's state aid, and following such deduction, no further reductions in state aid or other restrictions shall be applicable to a school district as the result of such unauthorized transfers."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

President Pro Tem Kinder assumed the Chair.

Senator Gibbons assumed the Chair.

Senator Bland offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 242, Page 4, Section 166.300, Line 25 of said page, by inserting after "(2)" an opening bracket "["; and further amend said bill and section, page 5, line 1 of said page, by striking the opening bracket "[" from said line.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 242, Page 1, Section 37.530, Line 13, by inserting immediately after said line the following:

"165.019. Provisions of this chapter to the contrary notwithstanding, any school district which is in compliance with all applicable requirements of section 165.016 for the preceding school year may transfer, in the current year, from the teachers' and incidental funds to the capital projects fund, an amount equal to ten percent of the district's operating expenditures for the preceding school year."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Kenney moved that **SS** for **SB 242**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SB 242**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 387**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 387**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 387

An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to allowing certain electrical corporations to recover certain costs, with an emergency clause.

Was taken up.

Senator Goode moved that **SCS** for **SB 387** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 387, Page 4, Section 393.158, Line 107 of said page, by striking "serving fewer than three hundred" and insert in lieu thereof "**that is not also a gas corporation and which serves one hundred seventy-five**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 387, Page 2, Section 393.158, Line 27 of said page, by striking "but only" and insert in lieu thereof "**except**"; and further amend line 28 of said page, by inserting after the word "would" the word "**not**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 387, Page 3, Section 393.158, Line 66, by inserting after the word "Any" the following: "**portion of such**"; and further amend said line by inserting after the word "decrease" the following: "**not in excess of the amount of the interim natural gas cost recovery rate**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 387, Page 4, Section 393.158, Line 117 of said page, by striking "2003" and insert in lieu thereof "**2004**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SCS** for **SB 387**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 387**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 677, regarding Gaylon Lawrence, Sr., Sikeston, which was adopted.

Senator Jacob offered Senate Resolution No. 678, regarding Sarita Townsend, which was adopted.

Senator Jacob offered Senate Resolution No. 679, regarding Terry Fowler, Moberly, which was adopted.

Senator Caskey offered Senate Resolution No. 680, regarding Stefani Lyon, which was adopted.

Senators Goode and Sims offered Senate Resolution No. 681, regarding the One Hundredth Anniversary of the Glen Echo Country Club, Normandy, which was adopted.

Senator Stoll offered Senate Resolution No. 682, regarding Richard Paul Harris, Imperial, which was adopted.

Senator Stoll offered Senate Resolution No. 683, regarding Tanner Williams, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HS** for **HCR 25**.

HOUSE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 25

Relating to authorization for the issuance of bonds for university arena projects.

WHEREAS, Section 21.527, RSMo, requires that certain projects to be funded by revenue bonds shall be approved by the General Assembly; and

WHEREAS, the General Assembly is desirous of approving a project for a sports arena and related facilities to be owned by the University of Missouri-Columbia campus and to be funded in part by such revenue bonds:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby approve the following:

1. A sports arena project and related facilities for the University of Missouri-Columbia campus; and
2. A total estimated project cost, including furnishings and equipment, of seventy-five million dollars; and
3. The Health and Educational Facilities Authority of the state of Missouri may issue bonds not to exceed thirty-five million dollars to fund the state's share of such sports arena project and related facilities; and
4. The remainder of the project cost to be funded by contributions and other funds to be provided by the University of Missouri; and
5. The sports arena project and related facilities shall comply with section 8.250, RSMo, and sections 290.210 to 290.340, RSMo, should the General Assembly appropriate future funding in an amount sufficient to pay the state's share of the project; and

BE IT FURTHER RESOLVED that pursuant to Section 28 of Article IV of the Missouri Constitution, this resolution shall not bind future General Assemblies to make any appropriations for this purpose although it is the present intent of the General Assembly, during each fiscal year of the state during the term of such revenue bonds, to appropriate funds sufficient to pay the debt service on such revenue bonds; and

BE IT FURTHER RESOLVED that the intent of the General Assembly is that no funds shall be appropriated to pay the state's share on such

revenue bonds until fiscal year 2005, unless further legislative action authorizes such payment prior to fiscal year 2005; and

BE IT FURTHER RESOLVED that the members of the Missouri General Assembly authorize and direct the Office of Administration and such other state departments, offices and agencies as the Office of Administration may deem necessary or appropriate to:

1. Assist the staff and advisors of the University of Missouri in implementing the project and in issuing such revenue bonds for the state's share of the project cost; and

2. Execute and deliver documents and certificates related to such revenue bonds consistent with the terms of this concurrent resolution; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 321**, entitled:

An Act to repeal section 178.930, RSMo 2000, relating to sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 151**, entitled:

An Act to amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 234**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 553**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 270**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 14**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Health, Department of Social Services, Department of Mental Health, Department of Higher Education and institutions of higher education included therein, Department of Elementary and Secondary Education, and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HJR 7**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), 31 and 32 of article IV of the Constitution of Missouri, relating to the powers and duties of the state highways and transportation commission and adopting six new sections in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 436**, entitled:

An Act to amend chapter 305, RSMo, by adding thereto nine new sections relating to the Missouri airport protection act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 349**, entitled:

An Act to repeal sections 191.900, 191.910, 198.012, 198.026, 198.029, 198.032, 198.036, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 208.010, 208.151, 208.152, 210.001, 210.025, 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930, 210.933, 210.936, 344.050, 565.186, 565.188, 565.190, 660.050, 660.055, 660.300, 660.305, 660.315, 660.317, 660.320, 660.600, 660.603 and 660.604, RSMo 2000, and to enact in lieu thereof sixty new sections relating to protection of the elderly, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 488**, entitled:

An Act to repeal sections 67.1003, 67.1004, 67.1360 and 620.467, RSMo 2000, relating to local tourism taxes, and to enact in lieu thereof twenty-three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 660**, entitled:

An Act to repeal sections 160.420, 169.070, 169.075, 169.270, 169.280, 169.291, 169.301, 169.315, 169.324, 169.410, 169.420, 169.430, 169.440, 169.450, 169.460, 169.462, 169.466, 169.471, 169.475, 169.476, 169.480, 169.490, 169.500, 169.510, 169.520, 169.540 and 169.670, RSMo 2000, relating to the public school retirement system, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SBs 476, 427** and **62**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 616**, begs leave to report that it has considered the same and recommends that the resolution do pass.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 476, 427** and **62** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Harold H. Lurie, M.D., as a member of the Drug Utilization Review Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Bentley moved that the committee report be adopted and the Senate do give its advice and consent to the

above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Katherine Bromfield Emke, as chairperson and member of the Missouri Women's Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of W. Dale Finke, as a member of the St. Charles County Convention and Sports Facilities Authority, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gross moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Ronald W. Vessell, as a member of the Missouri Head Injury Advisory Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Rohrbach, Senator Kenney moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Kala Stroup, Ph.D., as a member of the Midwestern Higher Education Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Rohrbach moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Billie Sue Graves, as a member of the Missouri Head Injury Advisory Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Kinder, Senator Kenney moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 678**, entitled:

An Act to repeal sections 105.473, 105.475, 105.477, 105.961, 130.011, 130.016, 130.021, 130.026, 130.031, 130.032, 130.041, 130.046, 130.049, 130.050, 130.056 and 130.081, RSMo 2000, relating to ethics, and to enact in lieu thereof

nineteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 426**, entitled:

An Act to repeal sections 87.050, 104.1024, RSMo 2000, relating to public retirement systems and benefits, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 831**, entitled:

An Act to repeal section 595.045, RSMo 2000, relating to the crime victims' compensation fund, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 285**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 120**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 163**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 471**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **HB 626**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HB 107**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 50**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 754, 29, 300 and 505**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 185**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 738**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HBs 441, 94 and 244**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 453**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 501**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HCS** for **HB 581**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 133**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, Jimmy Cooper, Ballwin; and Jimmy was made an honorary page.

Senator Loudon introduced to the Senate, John Bresnahan, Chesterfield.

Senator Schneider introduced to the Senate, Charles, Emmy and Monica Danganan, St. Louis County; and Monica was made an honorary page.

Senator Jacob introduced to the Senate, Avery Wagner, Columbia; and Avery was made an honorary page.

Senator Loudon introduced to the Senate, the Physician of the Day, Jim Gibbons, M.D., St. Louis.

Senator Dougherty introduced to the Senate, twenty-eight students from St. Margaret of Scotland School, St. Louis.

Senator Singleton introduced to the Senate, Laura Estep, Stephen Marshal, Casey Largen, adults and twelve children, Homeschoolers from McDonald County; and Laura, Stephen and Casey were made honorary pages.

Senator Caskey introduced to the Senate, Sandy Hutchinson and twenty-three seventh and eighth grade students from Shawnee R-II School, Chilhowee; and Hannah Parker, Robin Robbins, Marlene Chapman, Justine Dameron, Taryn Dameron, Sean Hutchinson, Ginny Kingsbury, Suzanne Peerman and Stevi Slyter were made honorary pages.

Senator Childers introduced to the Senate, Roger Butler, Sheena Morris, Teresa Porter, and twenty-eight fifth grade students from Blue Eye School, Blue Eye.

Senator Kinder introduced to the Senate, Teri Jones and eighty-eight fourth grade students and

adults from Clippard Elementary School, Cape Girardeau; and Nicole Ottersburg, Olivia Crain, Jamie Hillier and Andrew Nabors were made honorary pages.

Senator Kinder introduced to the Senate, Sabrina Pobst and forty seventh and eighth grade students and adults from St. Augustine School, Kelso; and Whitney Stamp, Renee Essner, Nick Schwartz and Kyle Curry were made honorary pages.

Senator Staples introduced to the Senate, Kristy Chilton and eighth grade students from Ellington; and Whitney Mann and CeJay Price were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 2:00 p.m., Monday, April 30, 2001.

SENATE CALENDAR

SIXTY-THIRD DAY-MONDAY, APRIL 30, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 14

HCS for HJR 7

HB 436-Merideth, et al

HS for HB 349-Hosmer

HS for HCS for HB 488-Koller

HCS for HB 660

HB 678-Seigfreid

HCS for HB 426

HCS for HB 831

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross

(In Budget Control)

SCS for SBs 52 & 91-Childers

(In Budget Control)

SS for SCS for SBs 448 &

588-Sims (In Budget Control)

SCS for SB 505-Loudon

(In Budget Control)

SS for SCS for SBs 510,

512 & 133-Kenney

(In Budget Control)

SCS#2 for SB 66-Gibbons

SS for SCS for SB 525-Cauthorn

(In Budget Control)

SS for SCS for SB 226-Goode

(In Budget Control)

SS for SCS for SBs 476,

427 & 62-Yeckel

(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 455-Kinder, et al,

with SCS

2. SBs 334 & 228-Kinder,

with SCS

3. SB 469-Gross, et al

4. SB 546-Kenney, et al, with SCS

5. SB 337-House and Kinder

6. SB 593-Klindt, with SCS

7. SB 509-Cauthorn and Klindt

8. SBs 42 & 108-Kenney,

with SCS

9. SB 565-Staples

10. SB 596-Loudon

11. SB 597-Singleton

12. SB 268-Schneider,

with SCS

13. SBs 249 & 523-Wiggins,

with SCS

14. SBs 508 & 468-

Cauthorn and Klindt,
with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 207, with
SCA 1 (Childers)
(In Budget Control)
2. HCS for HBs 302 & 38,
with SCS (Westfall)
3. HB 80-Ross, with SCS
(Kenney) (In Budget Control)
4. HB 157-Hosmer, with
SCS (Bentley)
5. HCS for HBs 144 & 46,
with SCS (Kenney)
(In Budget Control)
6. HJR 5-Barry, et al
(Yeckel)
7. HB 949-Barry, with SCS
(Sims)
8. HS for HCS for HB 762-
Barry, with SCS
(Sims and Stoll)
(In Budget Control)
9. HS for HJR 11-Gambaro
(Goode)
10. HCS for HB 567, with
SCS (Klarich)
(In Budget Control)

11. HB 575-O'Connor, et al,
with SCS (Kenney)
12. HS for HB 381-Hoppe,
with SCS (Kenney)
(In Budget Control)
13. HB 444-Kreider, et al,
with SCA 1 (Wiggins)
14. HS for HB 421-Hoppe,
with SCS (Kinder)
15. HB 385-Franklin, with
SCS (Foster)
16. HCS for HBs 205, 323
& 549, with SCS
(Childers)
(In Budget Control)
17. HB 662-Green (73) and
St. Onge, with SCS (Foster)
18. HS for HCS for HB 425-
O'Toole
19. HB 285-Riback Wilson,
et al (Jacob)
20. HB 120-O'Connor, with
SCS (Caskey)
21. HB 163-Berkowitz and
Wagner (Westfall)
22. HB 471-Jolly, et al,
with SCS (Wiggins)
23. HB 626-Hosmer, with
SCS (Bentley)

24. HS for HCS for HB 107-

Clayton, with SCS

(Klarich)

25. HCS for HB 50, with

SCS (Stoll)

26. HCS for HBs 754, 29,

300 & 505

27. HB 185-Legan, et al,

with SCS (Gross)

28. HCS for HB 738

(Klarich)

29. HCS for HBs 441, 94 &

244 (Johnson)

30. HB 453-Ransdall, et al,

with SCS (Steelman)

31. HB 501-Bowman, et al,

with SCS (Steelman)

32. HCS for HB 581, with SCS

33. HB 133-Gambaro, with

SCS (Yeckel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3 &

SSA 1 for SA 3 (pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 488-Klindt, et al, with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 583-Yeckel

SJR 11-Yeckel HOUSE BILLS ON THIRD READING

HCS for HB 13, with SCS

(Russell)

HCS for HB 18, with SCS

(Russell)

HCS for HB 19, with SCS

(Russell)

HB 544-Holand and

Treadway, with SCS &

SS for SCS (pending)

(Bentley)

HB 954-Hosmer (Westfall) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/10

HB 218-Farnen, et al

(Kenney)

Reported 4/11

HB 537-Ostmann, et al

(Klarich)

HB 603-Hilgemann, et al,

with SCS (Sims)

HB 212-Ward, with SCS

(Rohrbach)

HB 644-Burton, with SCS

(Jacob)

HB 459-Liese, et al, with

SCS (Rohrbach)

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,

with SCS (Klarich)

HB 955-Green (73), with

SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and

Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al

(Wiggins)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and

Vogel, with SCS

(Rohrbach)

HB 742-Harding, et al,

with SCS (Johnson)

HB 922-Gaskill and

Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh

(Bentley)

HB 596-Kennedy and

Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface (Singleton)

HB 408-Kelley (47) (Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor (Gross) Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,
with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS
(Bentley)

HB 420-Williams, et al
(Westfall)

HB 458-Lawson, et al
(Klindt)

HB 470-Shields and
Hegeman (Johnson)

HBs 648, 477 & 805-
Ostmann, et al, with
SCS (Westfall)

HB 691-Barnett, et al,
with SCS (Klindt)

HB 897-Kreider, et al (Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al
(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with
SCS (Rohrbach)

HB 606-Kennedy, et al,
with SCS (Yeckel)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster) SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 151-Childers,

with HCS

SB 321-Westfall, with HCS

SB 441-Caskey, with HCS

SB 521-Mathewson, with

HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) To be Referred

HS for HCR 25-Graham

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 5-Mays (Goode)

HS for HCR 6-Myers

(Kenney)

HCR 24-Boucher, with SCS

(Yeckel)

SR 616-Johnson

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-THIRD DAY--MONDAY, APRIL 30, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we thank You for those moments of rest and relaxation for our minds and bodies for we certainly needed them. We thank You for time with those we love for it enriches our relationship with them and warms our hearts and increases our love for them and from them. We thank You for time with You that deepens our spiritual wells that You have given us and enlightens our clarity of You our God. So bless us this week and help us not lose what we have gained from Your love of us as we go about those things we must do in the diminishing days of this session. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 26, 2001, was read and approved.

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 684, regarding Kaleen Long, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 685, regarding Stacey Armstrong, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 686, regarding Elizabeth Collard, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 687, regarding Terry Ellickson, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 688, regarding Sarah Haseltine, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 689, regarding Sarah Johnson, Greenfield, which was adopted.

Senator Bentley offered Senate Resolution No. 690, regarding Siir Kilkis, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 691, regarding Jennifer Mings, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 692, regarding Beth Muegge, Versailles, which was adopted.

Senator Bentley offered Senate Resolution No. 693, regarding Rebecka "Becky" Kroll, Ava, which was adopted.

Senator Bentley offered Senate Resolution No. 694, regarding Natalie Trent, Reeds Spring, which was adopted.

Senator Bentley offered Senate Resolution No. 695, regarding Kristin Lutte, Kimberling City, which was adopted.

Senator Bentley offered Senate Resolution No. 696, regarding Wendy Huggins, Springfield, which was adopted.

Senator Klindt offered Senate Resolution No. 697, regarding Wendell E. Stottlemire, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 698, regarding Carl Cowick, Carrollton, which was adopted.

Senator Caskey offered Senate Resolution No. 699, regarding Amos Gillis, Adrian, which was adopted.

Senator Gross offered Senate Resolution No. 700, regarding Phyllis Sconce, O'Fallon, which was adopted.

Senator Dougherty offered Senate Resolution No. 701, regarding Barbara Looney, which was adopted.

Senator Dougherty offered Senate Resolution No. 702, regarding Katharine Fullenkamp, which was adopted.

Senator Dougherty offered Senate Resolution No. 703, regarding Tisha Bailey, which was adopted.

Senator House offered Senate Resolution No. 704, regarding Timothy Byrd, which was adopted.

Senator Yeckel offered Senate Resolution No. 705, regarding Micah J. LoRusso, St. Louis, which was adopted.

Senator Rohrbach offered Senate Resolution No. 706, regarding Adam Michael Maassen, Linn, which was adopted.

Senator Rohrbach offered Senate Resolution No. 707, regarding Theodore "Ted" Bleil, Boonville, which was adopted.

Senator Gross offered Senate Resolution No. 708, regarding America's Exposition Park of Lake Saint Louis, which was adopted.

Senator Gross offered Senate Resolution No. 709, regarding Darrel R. Hollinger, Lake Saint Louis, which was adopted.

Senator Gross offered Senate Resolution No. 710, regarding Carol Davis, Lake Saint Louis, which was adopted.

Senator Gross offered Senate Resolution No. 711, regarding Dennis Zimmer, Lake Saint Louis, which was adopted.

HOUSE BILLS ON THIRD READING

HB 218, introduced by Representative Farnen, et al, entitled:

An Act to repeal sections 172.037, 172.360, 174.610, 174.620, 175.020 and 175.021, RSMo 2000, relating to public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Kenney.

On motion of Senator Kenney, **HB 218** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--27	
NAYS--Senator Johnson--1			
Absent--Senators			
Loudon	Russell	Stoll--3	
Absent with leave--Senators			
Carter	House	Schneider--3	

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 537, introduced by Representative Ostmann, et al, entitled:

An Act to repeal sections 442.030, 451.250, 451.260, 451.270, 451.280, 451.300, 452.075, 452.080, 452.110, 452.130, 452.140, 452.170, 452.180, 452.190, 452.200, 452.210, 452.220, 452.230, 452.240, 452.250 and 474.140, RSMo 2000, relating to marriage, and to enact in lieu thereof twenty new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 537** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Childers	Russell--2		
Absent with leave--Senators			
Carter	House	Schneider--3	

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

HB 603, with **SCS**, introduced by Representative Hilgemann, et al, entitled:

An Act to repeal section 660.050, RSMo 2000, relating to the division of aging, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Sims.

SCS for **HB 603**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 603

An Act to repeal section 660.050, RSMo 2000, relating to the department of health and senior services, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **HB 603** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **HB 603** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

NAYS--Senators

Bland Rohrbach--2

Absent--Senators

Bentley Childers Singleton--3

Absent with leave--Senators

Carter House Schneider--3

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

HB 212, with **SCS**, introduced by Represen-tative Ward, entitled:

An Act to repeal section 375.355, RSMo 2000, relating to insurance companies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 212**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 212

An Act to repeal sections 375.355 and 379.770, RSMo 2000, relating to policyholder notification in certain insurance contracts, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 212** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 212** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senator Childers--1

Absent with leave--Senators

Carter	House	Schneider--3
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The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Jacob moved that motion lay on the table, which motion prevailed.

HB 644, with **SCS**, introduced by Represen-tative Burton, entitled:

An Act to repeal section 461.051, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Jacob.

SCS for **HB 644**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 644

An Act to repeal section 461.073, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **HB 644** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS** for **HB 644** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--28

NAYS--Senators

Caskey Westfall--2

Absent--Senators

Childers Singleton--2

Absent with leave--Senators

Carter Schneider--2

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Johnson moved that **SR 616** be taken up for adoption, which motion prevailed.

On motion of Senator Johnson, **SR 616** was adopted.

PRIVILEGED MOTIONS

Senator Westfall moved that **SB 321**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 321**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 321

An Act to repeal section 178.930, RSMo 2000, relating to sheltered workshops, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Westfall moved that **HCS** for **SB 321** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick

Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bentley--1		
	Absent with leave--Senators		
Carter	Schneider--2		

President Pro Tem Kinder assumed the Chair.

On motion of Senator Westfall, **HCS** for **SB 321** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Johnson--2		
	Absent with leave--Senators		
Carter	Schneider--2		

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SB 441**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 441**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 441

An Act to repeal section 95.280, RSMo 2000, relating to cities of the third class, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **HCS** for **SB 441** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Scott--1		
	Absent with leave--Senators		
Carter	Schneider--2		

On motion of Senator Caskey, **HCS** for **SB 441** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Scott--1		
	Absent with leave--Senators		
Carter	Schneider--2		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that **SB 521**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 521**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 521

An Act to repeal section 287.123, RSMo 2000, relating to workers' compensation insurance carriers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **HCS** for **SB 521** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senators

Carter Schneider--2

On motion of Senator Mathewson, **HCS** for **SB 521** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Goode Singleton--2

Absent with leave--Senators

Carter Schneider--2

The President Pro Tem declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Childers moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 151** and request the House to recede from its position, and failing to do so grant the Senate a conference thereon, and that the conferees be allowed to exceed the differences, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 13**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to

be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2003.

Was called from the Informal Calendar and taken up by Senator Russell.

SCS for HCS for HB 13, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS for HCS for HB 13** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS for HCS for HB 13** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	DePasco--2		
Absent with leave--Senators			
Carter	Schneider--2		

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for HB 18, with **SCS**, entitled:

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was called from the Informal Calendar and taken up by Senator Russell.

SCS for **HCS** for **HB 18**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 18

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 18** be adopted.

Senator Dougherty offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 18, Page 10, Section 18.260, Line 5, by inserting after said line two new lines to read as follows:

"From General Revenue	<u>\$130,698</u>
Total	\$1,396,162".

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HCS** for **HB 18**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 18**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senator Bentley--1		
	Absent with leave--Senators		
Carter	Schneider--2		

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for **HB 19**, with **SCS**, entitled:

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was called from the Informal Calendar and taken up by Senator Russell.

SCS for **HCS** for **HB 19**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 19** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HCS** for **HB 19** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bentley-- 1			
Absent with leave--Senator Carter-- 1			

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SBs 69** and **458**; **SS** for **SCS** for **SBs 448** and **588**; **SS** for **SCS** for **SBs 476, 427** and **62**; and **SCS** for **SBs 52** and **91**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 578**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SCS for **SBs 69** and **458**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 69 and 458

An Act to repeal sections 191.905, 252.235, 478.610, 569.095, 569.097, 569.099, 570.020, 570.030, 570.080, 570.085, 570.120, 570.125, 570.130, 570.210, 570.300, 578.150, 578.377, 578.379, 578.381 and 578.385, RSMo 2000, relating to felony stealing limit, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SBs 69** and **458** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kenney
Kinder	Klindt	Loudon	Mathewson
Quick	Russell	Scott	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Bentley	Bland	Goode	Klarich
Rohrbach	Schneider--6		
Absent--Senator Sims-- 1			
Absent with leave--Senator Carter-- 1			

Senator Singleton assumed the Chair.

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

SCS for **SBs 52** and **91**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 52 and 91

An Act to repeal sections 301.010, 301.041, 301.121, 301.131, 302.130, 302.178, 304.001, 304.015, 304.022, 304.035, 304.180, 304.200, 304.580, 307.375, 575.010 and 577.020, RSMo 2000, section 301.130 as enacted by senate bill no. 3 and senate bill no. 156 of the first regular session of the ninety-fifth general assembly and section 301.130 as enacted by senate bill no. 70 of the first regular session of the ninety-fifth general assembly, relating to traffic regulations, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Childers.

On motion of Senator Childers, **SCS** for **SBs 52** and **91** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Rohrbach--1

Absent--Senators

Bland Schneider--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 448** and **588**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 448 and 588

An Act to repeal sections 208.151, 376.1209 and 376.1250, RSMo 2000, relating to cancer, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SBs 448** and **588** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House

Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Rohrbach--1			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SCS No. 2 for **SB 66**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 66

An Act to repeal sections 568.030, 568.045 and 568.050, RSMo 2000, relating to abandonment of a child, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Gibbons.

On motion of Senator Gibbons, **SCS No. 2** for **SB 66** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 476, 427** and **62**, introduced by Senator Yeckel, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 476, 427 and 62

An Act to repeal sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.133, 115.135, 115.137, 115.151, 115.155, 115.157, 115.160, 115.162, 115.163, 115.179, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.291, 115.349, 115.409, 115.417, 115.419, 115.429, 115.433, 115.439, 115.453, 115.493, 115.613, 115.619, 115.637, 162.481, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508 and 417.018, RSMo 2000, relating to elections, and to enact in lieu thereof sixty-one new sections relating to the same subject.

Was taken up.

On motion of Senator Yeckel, **SS** for **SCS** for **SBs 476, 427 and 62** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators

Goode	Quick	Rohrbach--3
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Absent--Senators

Scott	Staples--2
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

At the request of Senator Kinder, **SB 455**, with **SCS**, was placed on the Informal Calendar.

Senator Kinder moved that **SB 334** and **SB 228**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 334** and **228**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 334 and 228

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing before the start of the school year, with an emergency clause and a termination date.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 334** and **228** be adopted.

Senator Kinder offered **SS** for **SCS** for **SBs 334** and **228**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 334 and 228

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing and school supplies before the start of the school year, with an emergency clause and a termination date.

Senator Kinder moved that **SS** for **SCS** for **SBs 334** and **228** be adopted.

At the request of Senator Kinder, **SB 334** and **SB 228**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

At the request of Senator Gross, **SB 469** was placed on the Informal Calendar.

At the request of Senator Kenney, **SB 546**, with **SCS**, was placed on the Informal Calendar.

Senator House moved that **SB 337** be taken up for perfection, which motion prevailed.

On motion of Senator House, **SB 337** was declared perfected and ordered printed.

Senator Gibbons assumed the Chair.

At the request of Senator Klindt, **SB 593**, with **SCS**, was placed on the Informal Calendar.

Senator Cauthorn moved that **SB 509** be taken up for perfection, which motion prevailed.

On motion of Senator Cauthorn, **SB 509** was declared perfected and ordered printed.

Senator Kenney moved that **SB 42** and **SB 108**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 42** and **108**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 42 and 108

An Act to amend chapters 172 and 182, RSMo, by adding thereto five new sections relating to public education, with penalty provisions.

Was taken up.

Senator Kenney moved that **SCS** for **SBs 42** and **108** be adopted.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 42 and 108, Page 1, Section A, Line 3, by inserting

immediately after said line the following:

"160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to teachers and other school district employees with a need to know. For the purposes of this act, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the following felonies, or any act which if committed by an adult would be one of the following felonies:

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;
- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160, RSMo;
- (8) Burglary in the second degree under section 569.170, RSMo;
- (9) Robbery in the first degree under section 569.020, RSMo;
- (10) Distribution of drugs under section 195.211, RSMo;
- (11) Distribution of drugs to a minor under section 195.212, RSMo;
- (12) Arson in the first degree under section 569.040, RSMo;
- (13) Voluntary manslaughter under section 565.023, RSMo;
- (14) Involuntary manslaughter under section 565.024, RSMo;
- (15) Second degree assault under section 565.060, RSMo;
- (16) Sexual assault under section 566.040, RSMo;
- (17) Felonious restraint under section 565.120, RSMo;

- (18) Property damage in the first degree under section 569.100, RSMo;
- (19) The possession of a weapon under chapter 571, RSMo;
- (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or
- (23) Sexual abuse pursuant to section 566.100, RSMo;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

- (1) The superintendent, or in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and
- (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

4. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded, **nor shall this section be construed to prohibit a school board from adopting a policy to allow employees of the department of conservation to conduct hunter education classes on school grounds, not during school hours, and to allow such employees to carry a weapon on school property for such hunter education classes, so long as the firearm is unloaded.** The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

5. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

6. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policy of discipline developed by each board under this section.

7. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. Acts of violence as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property,

including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020, RSMo, to any school district in which the student subsequently attempts to enroll.

8. Spanking, when administered by certificated personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel pursuant to a written policy of discipline established by the board of education of the school district. Upon receipt of any reports of child abuse by the division of family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the division of family services shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the division of family services and take no further action. In all matters referred back to the division of family services, the division of family services shall treat the report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the division of family services is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the division of family services. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

- (1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;
- (2) The report of the alleged child abuse is substantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel agree that the evidence is sufficient to support a finding that the alleged incident of child abuse did occur;
- (3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

9. The findings and conclusions of the school board shall be sent to the division of family services. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall

be terminated, the case closed, and no record shall be entered in the division of family services' central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the division of family services unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

10. Any superintendent of schools, president of a school board or such person's designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Kenney, **SB 42** and **SB 108**, with **SCS** and **SA 1** (pending), were placed on the Informal Calendar.

Senator Kinder moved that **SB 334** and **SB 228**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 334** and **228** was again taken up.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 334 and 228, Page 2, Section 144.049, Lines 23 and 24, by deleting "in the aggregate" and inserting in lieu thereof the words "**per purchase**".

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 334 and 228, Page 1, In the Title, Lines 3-6, by striking the following: "a temporary exemption from state and local sales and use tax on retail sales of clothing and school supplies before the start of the school year" and inserting in lieu thereof the following: "state and local sales tax revenue"; and further amend said line 6, by inserting immediately after the word "date" the following: "for a certain section"; and

Further amend said bill, Page 1 Section A, Line 3, by inserting after all of said line the following:

"67.1775. 1. The governing body of **a city not within a county, or** any county of the first classification with a charter form of government [and] **with** a population [of two hundred thousand but less than three hundred thousand] **not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not**

more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand three hundred inhabitants may, after voter approval pursuant to this section, levy a sales tax not to exceed one-quarter of a cent in the county for the purpose of providing **services described in section 210.861, RSMo, including** counseling, family support, and temporary residential services to persons [eighteen] **nineteen** years of age or less. The question shall be submitted to the qualified voters of the county at a county or state general, primary or special election upon the motion of the governing body of the county **or** upon the petition of eight percent of the qualified voters of the county determined on the basis of the number of votes cast for governor in such county at the last gubernatorial election held prior to the filing of the petition. The election officials of the county shall give legal notice as provided in chapter 115, RSMo. The question shall be submitted in substantially the following form:

Shall County be authorized to levy a sales tax of **(not to exceed one-quarter of a cent)** in the county for the purpose of establishing a community children's services fund for the purpose of providing services to protect the well-being and safety of children and youth [eighteen] **nineteen** years of age or less and to strengthen families?

YES NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall be levied and collected as otherwise provided by law. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not be levied unless and until the question is again submitted to the qualified voters of the county and a majority of such voters are in favor of such a tax, and not otherwise.

2. All revenues generated by the tax prescribed in this section shall be deposited in the county treasury to the credit of a special "Community Children's Services Fund". Such fund shall be administered by a board of directors, established pursuant to section 210.861, RSMo."; and

Further amend said bill, Page 3, Section 144.049, Line 56, by inserting after all of said line the following:

"210.861. 1. When the tax prescribed by section 210.860 **or section 67.1775, RSMo,** is established, the governing body of the county shall appoint a board of directors consisting of nine members, who shall be residents of the county. All board members shall be appointed to serve for a term of three years, except that of the first board appointed, three members shall be appointed for one-year terms, three members for two-year terms and three members for three-year terms. Board members may be reappointed. In a city not within a county, or [in a county of the first classification with a charter form of government and a population of at least two hundred thousand that adjoins a county of the first classification with a charter form of government and a population of at least nine hundred thousand,] **any county of the first classification with a charter form of government with a population not less than nine hundred thousand inhabitants, or any county of the first classification with a charter form of government with a population not less than two hundred thousand inhabitants and not more than six hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than one hundred seventy thousand and not more than two hundred thousand inhabitants, or any noncharter county of the first classification with a population not less than eighty thousand and not more than eighty-three thousand inhabitants, or any third classification county with a population not less than twenty-eight thousand and not more than thirty thousand inhabitants, or any county of the third classification with a population not less than nineteen thousand five hundred and not more than twenty thousand three hundred inhabitants** the members of the community mental health board of trustees appointed pursuant to the provisions of sections 205.975 to 205.990, RSMo, shall be the board members for the community children's services fund. The directors shall not receive compensation for their services, but may be reimbursed for their actual and necessary expenses.

2. The board shall elect a chairman, vice chairman, treasurer, and such other officers as it deems necessary for its membership. Before taking office, the treasurer shall furnish a surety bond, in an amount to be determined and in a form to be approved by the board, for the faithful performance of his duties and faithful accounting of all moneys that may come into his hands. The treasurer shall enter into the surety bond with a surety company authorized to do business in Missouri, and the cost of such bond shall be paid by the board of directors. The board shall administer all

funds generated pursuant to section 210.860 or **section 67.1775, RSMo**, in a manner consistent with this section.

3. The board may contract with public or not-for-profit agencies licensed or certified where appropriate to provide qualified services and may place conditions on the use of such funds. The board shall reserve the right to audit the expenditure of any and all funds. The board and any agency with which the board contracts may establish eligibility standards for the use of such funds and the receipt of services. No member of the board shall serve on the governing body, have any financial interest in, or be employed by any agency which is a recipient of funds generated pursuant to section 210.860 or **section 67.1775, RSMo**.

4. Revenues collected and deposited in the community children's services fund may be expended for the purchase of the following services:

(1) Up to thirty days of temporary shelter for abused, neglected, runaway, homeless or emotionally disturbed youth; respite care services; and services to unwed mothers;

(2) Outpatient chemical dependency and psychiatric treatment programs; counseling and related services as a part of transitional living programs; home-based and community-based family intervention programs; unmarried parent services; crisis intervention services, inclusive of telephone hot lines; and prevention programs which promote healthy lifestyles among children and youth and strengthen families;

(3) Individual, group, or family professional counseling and therapy services; psychological evaluations; and mental health screenings.

5. Revenues collected and deposited in the community children's services fund may not be expended for inpatient medical, psychiatric, and chemical dependency services, or for transportation services."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 334 and 228, Page 3, Section 144.049, Line 28 of said page, by inserting after all of said line the following:

"144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, such person's administrators or executors, as provided for in section 144.200.

2. If any [tax,] penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, and the balance, with interest as determined by section 32.065, RSMo, shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment.

3. If any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to

144.510, or refunded, with interest as determined by section 32.065, RSMo, to the person legally obligated to remit the tax, only if duplicate copies of a claim for refund are filed within three years from date of overpayment and, either the person legally obligated to remit the tax demonstrates to the satisfaction of the director of revenue that all incorrectly collected amounts were or will be refunded or credited to every purchaser that originally paid the tax, or the person legally obligated to remit the tax submits to the director amended sales tax returns showing the correct amount of gross receipts for each reporting period originally filed and proves to the director's satisfaction that the tax originally reported and remitted to the director was paid by such person claiming the refund or credit and was not collected from purchasers.

4. Every claim for refund must be in writing under oath, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon the director's record.

[4.] **5.** Notwithstanding the provisions of this section, the director of revenue shall authorize direct-pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct-pay agreements, the taxes authorized pursuant to chapters 66, RSMo, 67, RSMo, 92, RSMo, and 94, RSMo, shall be remitted based upon the location of the place of business of the purchaser."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SS** for **SCS** for **SBs 334** and **228**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **SBs 334** and **228**, as amended, was declared perfected and ordered printed.

Senator Kenney moved that **SB 42** and **SB 108**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 42 and 108, Page 1, In the Title, Line 3, by inserting after "provisions" the following: ", and an emergency clause for a certain section"; and

Further amend said bill and page, Section A, Line 3, by inserting after all of said line the following:

"167.271. 1. Anu urban school district containing all or part of a city with a population in excess of three hundred thousand may create a committee to work with teachers and organized parental groups to provide

youth-at-risk after school and summer art, science and math programs to minors at least five years of age and not more than fourteen years of age.

2. Curricula criteria may be developed by accredited teachers, parental groups and the committee.

3. The committee may accept funds from any source for the programs."; and

Further amend said bill, Page 3, Section 1, Line 7, by inserting after all of said line the following:

"Section B. Because of the urgent need to provide additional educational opportunities for at-risk students the enactment of section 167.271 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 167.271 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 42 and 108, Page 1, Section A, Line 3, by inserting after all of said line the following:

"160.560. 1. The provisions of this section shall be known and may be cited as the "Mastering Math Program".

2. Beginning July 1, 2003, the department of elementary and secondary education shall provide four-year, competitive matching grants to assist public school districts:

(1) In interpretation of algebraic and pre-algebraic concepts throughout the district's elementary school, middle school and junior high school curriculum; and

(2) With the establishment or enhancement of middle school or junior high school programs providing a curriculum that focuses on algebra to be offered no later than the ninth grade in the school's curriculum.

3. Grant applications may be submitted on behalf of a school building, a combination of school buildings or for all schools in the district.

4. Grant applications shall include, but shall not be limited to:

(1) A description of the school's current mathematics program, which shall, at a minimum, specifically address the focus on algebra or pre-algebra concepts in the curriculum;

(2) An evaluation of the areas of needed instructional improvement or enhancement;

(3) A description of the process of instructional improvement, including a statement regarding parental involvement in program implementation; and

(4) A description of the method for evaluating student progress, which shall, at a minimum, include stated goals for improvement in student performance.

5. Continued funding to a grantee after the second year of the grant shall be based upon improvement in student performance on the eighth grade mathematics portion of the state-wide assessment established pursuant to section 160.518.

6. Upon the conclusion of the grant and based on improvement in student performance on the mathematics portion of the state-wide assessment established pursuant to section 160.518 during the period of the grant, the department of elementary and secondary education may reimburse the grantee for its local match under the grant, with such reimbursement funds to be placed to the credit of the school district's operating funds.

7. The department of elementary and secondary education shall establish standards by rule promulgated pursuant to chapter 536, RSMo, for improvement of student performance relating to continued grant funding and refund of matching funds pursuant to this section.

8. Grants shall be distributed in equal amounts within geographic areas established proportionately based upon student population; provided that funds may be reallocated by the department of elementary and secondary education if an area has insufficient applications or insufficient eligible applications to obligate all funds for the area."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 42 and 108, Page 3, Section 1, Line 7, by inserting after all of said line the following:

"Section 2. Private educational institutions may participate in the MOREnet consortium provided that such institutions reimburse MOREnet for costs incurred for such participation and comply with all general operational guidelines for such participation."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Kenney moved that **SCS** for **SBs 42** and **108**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SBs 42** and **108**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SB 242**; **SB 180**; **SB 509**; **SB 337**; **SCS** for **SB 225**; **SS** for **SCS** for **SB 375**; and **SCS** for **SB 387**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael L. Green, Democrat, 1336 West Murray Lane, Sikeston, Stoddard County, Missouri 63801, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2007, and until his successor is duly appointed and qualified; vice, Lawrence George, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gerri A. Kielhofner, 1312 South Oak Run, Springfield, Greene County, Missouri 65809, as a member of the Elevator Safety Board, for a term ending June 6, 2005, and until her successor is duly appointed and qualified; vice, vacant.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

W. Dudley McCarter, 338 Peekskill, St. Louis, St. Louis County, Missouri 63141, as a member of the Children's Trust Fund Board, for a term ending September 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Annette N. Morgan, 221 West 48th Street, Apartment 1601, Kansas City, Jackson County, Missouri 64112, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2002, and until her successor is duly appointed and qualified; vice, Jane Bierdeman-Fike, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patt Varnon Sharp, Democrat, 807 College Avenue, Kennett, Dunklin County, Missouri 63857, as a member of the State Board of Education, for a term ending July 1, 2008, and until her successor is duly appointed and qualified; vice, R. Pete Burns, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 27, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ching-ling Tai, Democrat, 11995 Sackston Ridge Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Marilyn Daffer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Eddie F. Brown, 106 Seabrook Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janice Schnake Greene, Ph.D., Republican, 1024 West Linwood Street, Springfield, Greene County, Missouri 65807, as a public member of the Clean Water Commission of the State of Missouri, for a term ending April 12, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Steven C. Roberts, 5587 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2005, and until his successor is duly appointed and qualified; vice, Dr. Leslie Bond, Sr., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wayman F. Smith, III, Democrat, 6159 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Kinder referred **HB 471**, with **SCS**; **HS** for **HCS** for **HB 107**, with **SCS**; **HCS** for **HB 50**, with **SCS**; **HCS** for **HBs 754, 29, 300 and 505**; **HB 453**, with **SCS**; and **HB 501**, with **SCS**, to the Committee on State Budget Control.

SECOND READING OF

CONCURRENT RESOLUTIONS

The following concurrent resolution was read the 2nd time and referred to the Committee indicated:

HS for **HCR 25**--Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **SCA 1** and **SCA 1**, as amended, to **HCS** for **HB 274** and has taken up and passed **HCS** for **HB 274**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 203**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 394**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 442**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 341**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 87**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 431**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 142**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 383**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 436**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 606**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 605**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 111**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 544**, entitled:

An Act to authorize the conveyance of an easement on property owned by Missouri Veterans Commission to Spectra Communications.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 200**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 316**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 207**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 252**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 443**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 384**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 241**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 16**, entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2001 and ending June 30, 2003.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 17**, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 236** and has taken up and passed **SCS** for **HB 236**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 801** and has taken up and passed **SCS** for **HB 801**.

Emergency clause adopted.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 578**; **SCS** for **SB 225**; **SS** for **SB 242**; and **SS** for **SCS** for **SB 375** to

the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 14**--Appropriations.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 712, regarding Erica Coble, Walnut Grove, which was adopted.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FOURTH DAY-TUESDAY, MAY 1, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 7

HB 436-Merideth, et al

HS for HB 349-Hosmer

HS for HCS for HB 488-Koller

HCS for HB 660

HB 678-Seigfreid

HCS for HB 426

HCS for HB 831

HB 16-Green

HB 17-Green

THIRD READING OF SENATE BILLS

1. SCS for SB 505-Loudon

(In Budget Control)

2. SS for SCS for SBs 510,

512 & 133-Kenney

(In Budget Control)

3. SS for SCS for SB 525-Cauthorn

(In Budget Control)

4. SS for SCS for SB 226-Goode

(In Budget Control)

5. SCS for SB 578-Goode

and Russell

(In Budget Control)

6. SS for SB 242-Kenney

(In Budget Control)

7. SB 180-Klarich

8. SB 509-Cauthorn and

Klindt

9. SB 337-House and

Kinder

10. SCS for SB 225-

Mathewson

(In Budget Control)

11. SS for SCS for SB 375-

Steelman

(In Budget Control)

12. SCS for SB 387-Goode,

et al

SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 207, with

SCA 1 (Childers)

(In Budget Control)

2. HCS for HBs 302 & 38,

with SCS (Westfall)

3. HB 80-Ross, with SCS

(Kenney) (In Budget Control)

4. HB 157-Hosmer, with

SCS (Bentley)

5. HCS for HBs 144 & 46,

with SCS (Kenney)

(In Budget Control)

6. HJR 5-Barry, et al (Yeckel)

7. HB 949-Barry, with

SCS (Sims)

8. HS for HCS for HB 762-

Barry, with SCS

(Sims and Stoll)

(In Budget Control)

9. HS for HJR 11-Gambaro

(Goode)

10. HCS for HB 567, with

SCS (Klarich)

(In Budget Control)

11. HB 575-O'Connor,

et al, with SCS (Kenney)

12. HS for HB 381-Hoppe,

with SCS (Kenney)

(In Budget Control)

13. HB 444-Kreider, et al,

with SCA 1 (Wiggins)

14. HS for HB 421-Hoppe,

with SCS (Kinder)

15. HB 385-Franklin, with

SCS (Foster)

16. HCS for HBs 205, 323

& 549, with SCS (Childers)

(In Budget Control)

17. HB 662-Green (73) and

St. Onge, with SCS

(Foster)

18. HS for HCS for HB 425-

O'Toole

19. HB 285-Riback Wilson,
et al (Jacob)

20. HB 120-O'Connor, with
SCS (Caskey)

21. HB 163-Berkowitz and
Wagner (Westfall)

22. HB 471-Jolly, et al,
with SCS (Wiggins)
(In Budget Control)

23. HB 626-Hosmer, with
SCS (Bentley)

24. HS for HCS for HB 107-
Clayton, with SCS
(Klarich)

(In Budget Control)

25. HCS for HB 50, with
SCS (Stoll)

(In Budget Control)

26. HCS for HBs 754, 29,
300 & 505 (Bentley)

(In Budget Control)

27. HB 185-Legan, et al,
with SCS (Gross)

28. HCS for HB 738
(Klarich)

29. HCS for HBs 441, 94 &
244 (Johnson)

30. HB 453-Ransdall, et al,

with SCS (Steelman)

(In Budget Control)

31. HB 501-Bowman, et al,

with SCS (Steelman)

(In Budget Control)

32. HCS for HB 581, with

SCS (Klindt)

33. HB 133-Gambaro, with

SCS (Yeckel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and

Westfall, with SCS, SS

for SCS & SA 1 (pending)

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with SCS

& SS for SCS (pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,

with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al, with

SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 593-Klindt, with SCS

SJR 11-Yeckel HOUSE BILLS ON THIRD READING

HB 544-Holand and Treadway,

with SCS & SS for SCS (pending)

(Bentley)

HB 954-Hosmer (Westfall)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/11

HB 459-Liese, et al, with
SCS (Rohrbach)

HB 732-Hosmer (Staples)

HB 693-Smith and Carnahan,
with SCS (Klarich)

HB 955-Green (73), with
SCA 1 (Goode)

HB 933-Reid (Gibbons)

HB 816-Kennedy and
Gambaro (Gibbons)

HB 825-Kennedy (Klarich)

HB 321-Skaggs, et al

(Wiggins)

HB 590-Graham (Gibbons)

HBs 808 & 951-Gratz and

Vogel, with SCS

(Rohrbach)

HB 742-Harding, et al,

with SCS (Johnson)

HB 922-Gaskill and

Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh

(Bentley)

HB 596-Kennedy and

Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface

(Singleton)

HB 408-Kelley (47)

(Kenney)

HB 84-Richardson

(Childers)

HB 788-O'Connor (Gross) Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 607-Treadway, et al,
with SCS (Sims)

HB 796-Hosmer, with SCS
(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,
with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS
(Bentley)

HB 420-Williams, et al
(Westfall)

HB 458-Lawson, et al
(Klindt)

HB 470-Shields and
Hegeman (Johnson)

HBs 648, 477 & 805-Ostmann,
et al, with SCS (Westfall)

HB 691-Barnett, et al,
with SCS (Klindt)

HB 897-Kreider, et al
(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al
(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with

SCS (Rohrbach)

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 544-Johnson, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell) Requests to Recede or Grant Conference

SCS for SB 151-Childers, with HCS

(Senate requests House

recede or grant conference)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 5-Mays (Goode)

HS for HCR 6-Myers (Kenney)

HCR 24-Boucher, with SCS

(Yeckel) Requests to Recede or Grant Conference

SS for SCR 2-Singleton, with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FOURTH DAY--TUESDAY, MAY 1, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Teilhard De Chardin wrote: "Someday after we have mastered the winds, the waves, the tides and gravity, we will harness for God the energies of love, and then for the second time in the history of the world, humankind will have discovered fire."

Heavenly Father, it is much too easy to get carried away with the mundane and everyday things that come with increasing swiftness before us and lose sight of opportunities that are truly beneficial to our neighbors. Help us to keep focused on those things that are really important, that can help us help make our fellow citizens' life a little easier and capable of lighting a fire that opens a way to increased dignity and self-esteem. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 42** and **108**; and **SS** for **SCS** for **SBs 334** and **228**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HCS** for **HB 241**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 491** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 382**, entitled:

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 224**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 179**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 435**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 223**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 520**, entitled:

An Act to repeal sections 301.041, 301.057, 301.058 and 301.121, RSMo 2000, section 301.130 as enacted by house committee substitute for senate substitute for senate bill no. 3 and senate bill no. 156, eighty-eighth general assembly, first regular session, 301.130 as enacted by conference committee substitute for senate substitute for senate bill no. 70, eighty-eighth general assembly, first regular session, relating to motor vehicles, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 227**, entitled:

An Act to repeal section 461.073, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 110**.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 459, with **SCS**, introduced by Represen-tative Liese, et al, entitled:

An Act to repeal sections 375.1202 and 375.1220, RSMo 2000, relating to insurance liquidation, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 459**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 459

An Act to repeal section 375.1220, RSMo 2000, relating to insurer liquidation law, and to enact in lieu thereof one new section relating to the same subject, with a termination date and an emergency clause.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 459** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 459** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons

Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Singleton	Stoll--3	
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Singleton	Stoll--3	
	Absent with leave--Senator Carter--1		

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 732, introduced by Representative Hosmer, entitled:

An Act to repeal section 306.165, RSMo 2000, relating to the water patrol, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **HB 732** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland

Childers

Klarich--3

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 933, introduced by Representative Reid, entitled:

An Act to repeal section 144.020, RSMo 2000, relating to the state sales tax, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HB 933** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 816, introduced by Representatives Kennedy and Gambaro, entitled:

An Act to repeal sections 136.035 and 144.190, RSMo 2000, relating to authenticating claims for tax refunds, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HB 816** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
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Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Mathewson Staples--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 955, with **SCA 1**, introduced by Represen-tative Green (73), entitled:

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program.

Was called from the Consent Calendar and taken up by Senator Goode.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **HB 955**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Mathewson Schneider--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Goode moved that **HCR 5** be taken up for adoption, which motion prevailed.

Senator Goode offered **SS** for **HCR 5**:

SENATE SUBSTITUTE FOR

HOUSE CONCURRENT RESOLUTION NO. 5

WHEREAS, telecommunications services and energy services and sources are vital to the economic vitality and well-being of the state of Missouri; and

WHEREAS, attempts across the nation to deregulate telecommunications services and energy services and sources have met with both success and failure in the effort to create competitive markets and make available new services and customer choices; and

WHEREAS, the state and political subdivisions have imposed taxes, fees and other assessments on various telecommunications and energy services which vary widely based on locality and, within a locality, may vary widely due to increasingly related and competitive services, such as telephone and cable television; and

WHEREAS, the current nationwide effort to establish competition in the production, distribution and sale of energy, including electricity, natural gas and other energy sources has potential benefits and adverse effects on energy producers, distributors, retailers, customers and the citizens of this state; and

WHEREAS, ensuring adequate and affordable telecommunications services and energy services and sources necessitate a fair and equitable tax structure across different telecommunications and energy services and across different regions of the state; and

WHEREAS, the issue of whether governmental entities should expend public resources to compete with private telecommunications and energy entities should be explored; and

WHEREAS, recent increases in the cost of natural gas has affected home heating costs, electricity costs and energy costs for businesses and created a greater need for efficient use of energy resources; and

WHEREAS, Missouri produces little of the energy resources it consumes, resulting in a considerable export of wealth from the state to other parts of the nation and the rest of the world;

WHEREAS, a Joint Interim Committee on Telecommunications and Energy has studied several of the above-mentioned issues during the tenure of the Ninetieth General Assembly and recommends that a similar study committee be established to continue the study during the tenure of the Ninety-first General Assembly:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a Joint Legislative Committee on Telecommunications and Energy be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and that said committee be authorized to function throughout the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by the prior Joint Interim Committee on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of telecommunications, cable television, all Internet services, including asymmetrical digital subscriber lines (ADSL) and service via cable lines, and energy services taxation, competition between governmental entities and private telecommunication entities, and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee continue and expand the in-depth studies conducted by prior Joint Interim Committees on Telecommunications and Energy and make appropriate recommendations concerning financial, legal, social, taxation, environmental, technological and economic issues of deregulation and increasing competition in energy production, distribution and sale, including consideration of the effects on residential customers, small and large business customers, utility shareholders and other stakeholders and any other issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee study and make appropriate recommendations concerning financial, legal, social, taxation,

environmental, technological and economic issues of energy costs, energy demand management options, decentral-ization of energy sources, energy efficiency and any other issues the committee deems relevant;

BE IT FURTHER RESOLVED that said committee prepare an interim report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly and a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Division of Energy within the Department of Natural Resources, the Office of Public Counsel, political subdivisions of this state, telecommunications and energy service providers, energy utilities and representatives of all telecommunications and energy customer groups; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senator Goode moved that **SS** for **HCR 5** be adopted.

At the request of Senator Goode, the above motion was withdrawn, placing the concurrent resolution back on the calendar with **SS** (pending).

Senator Kenney moved that **HS** for **HCR 6** be taken up for adoption, which motion prevailed.

On motion of Senator Kenney, **HS** for **HCR 6** was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

Senator Goode moved that **HCR 5**, with **SS** (pending), be called from the Calendar and again taken up for adoption, which motion prevailed.

SS for **HCR 5** was again taken up.

Senator Goode moved that **SS** for **HCR 5** be adopted.

Senator Rohrbach assumed the Chair.

Senator Childers offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Concurrent Resolution No. 5, Page 3, Line 25 (3rd line from bottom), by inserting

after the word "sources," on said line the words "**production of alternative energy**,".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Goode, the motion to adopt **SS** for **HCR 5**, as amended, was withdrawn, placing the concurrent resolution back on the calendar, with **SS** (pending).

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 387** to the Committee on State Budget Control.

CONCURRENT RESOLUTIONS

Senator Westfall offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 33

WHEREAS, the Missouri Department of Transportation recently announced that there is a \$25 billion funding gap for highways and bridges for the next twenty years; and

WHEREAS, the Transportation Commission's decision to abandon the 15-Year Plan has caused many Missourians to question the ability of the Missouri Department of Transportation to fulfill its promises and obligations; and

WHEREAS, the highways and transportation infrastructure of Missouri is important to the state's economy and the safety of its citizens; and

WHEREAS, the current system of state funding has moved Missouri into a precarious position with respect to meeting its highway and transportation needs:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint legislative interim committee on funding for highways and transportation be created to be composed of nine members of the Senate, to be appointed by the President Pro Tem of the Senate, and nine members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study of existing funding for Missouri's transportation needs and analyze current expenditures and funding sources and any statutory or constitutional restraints on such expenditures and make any recommendations it deems appropriate concerning this issue; and

BE IT FURTHER RESOLVED that said committee prepare a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Transportation, political subdivisions and other interested parties of this state; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

THIRD READING OF SENATE BILLS

SB 180, introduced by Senator Klarich, entitled:

An Act to repeal section 451.022, RSMo 2000, relating to marriage, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Klarich, **SB 180** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Sims--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Cauthorn moved that motion lay on the table, which motion prevailed.

SB 509, introduced by Senators Cauthorn and Klindt, entitled:

An Act to repeal section 33.803, RSMo 2000, relating to performance-based budgeting for state departments, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SB 509** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		

NAYS--Senator Bland--1

Absent--Senators

Bentley Yeckel--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

SB 337, introduced by Senators House and Kinder, entitled:

An Act to amend chapter 1, RSMo, by adding thereto three new sections relating to the prohibition of interference with the free exercise of religion.

Was taken up by Senator House.

On motion of Senator House, **SB 337** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Bland	Goode	Jacob--3	
Absent--Senators			
Quick	Sims--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **SB 525**; and **SS** for **SCS** for **SB 226**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 525**, introduced by Senator Cauthorn, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 525

An Act to repeal section 414.032, RSMo 2000, relating to fuel requirements, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Cauthorn, **SS** for **SCS** for **SB 525** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Singleton	Staples--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 226**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 226

An Act to amend chapter 192, RSMo, by adding thereto five new sections relating to a life sciences research program.

Was taken up.

On motion of Senator Goode, **SS** for **SCS** for **SB 226** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	DePasco	Dougherty
Goode	Jacob	Johnson	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins	Yeckel--19	

NAYS--Senators

Bland	Cauthorn	Childers	Foster
Gibbons	Gross	House	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Steelman--14		

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 27**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Gibbons, the above amendment was withdrawn.

Senator Dougherty offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 1, Section 322.010, Line 1, by inserting before all of said line the following:

"273.325. 1. Sections 273.325 to 273.357 shall be known as the "Animal Care Facilities Act".

2. As used in sections 273.325 to 273.357, the following terms mean:

(1) "Adequate food", the provision, at suitable intervals of not more than twelve hours, unless the dietary requirements of the species require a longer interval, of a quantity of wholesome foodstuff, suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal, all of which foodstuff is served in a safe receptacle, dish, or container;

(2) "Adequate housing", the continuous provision of a sanitary facility, protection from the extremes of weather conditions, proper ventilation, and appropriate space depending on the species of animal, as defined by regulations of the USDA, as revised;

(3) "Adequate water", the provision, either continuously or at intervals suitable to the species, which intervals shall not exceed eight hours, of a supply of potable water in a safe receptacle, dish, or container;

(4) "Animal", any dog or cat, which is being used, or is intended [for use] **to be used**, for research, teaching, testing, breeding, or exhibition purposes, or as a pet;

(5) **"Animal care reserve fund", a separate fund within the state treasury specifically created for sections 273.325 to 273.357 and into which all moneys generated by sections 273.325 to 273.357 are deposited for the sole purpose of administering sections 273.325 to 273.357;**

(6) **"Animal distributor", any person who owns, conducts, or operates an animal distributor premises; this term shall also include persons who buy and sell animals at wholesale, including auctions and flea markets, whether or not an animal distributor premises is maintained;**

(7) **"Animal distributor premises", any premises where dogs or cats, or both, are bought or sold, auctioned, traded, bartered, given, or offered or maintained for sale, at wholesale for resale to another, including auctions and flea markets;**

[(5)] (8) "Animal shelter", a facility which is used to house or contain animals, which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not-for-profit organization devoted to the welfare, protection, and humane treatment of such animals, or a person whose primary purpose is to act as an animal rescue, to collect and care for unwanted animals or to offer them for adoption **but does not include an individual who volunteers to render humane assistance or shelter in his or**

her home to fewer than ten dogs or cats per year;

[(6) "Animal welfare official", any licensed veterinarian, designated by and under the supervision of the state veterinarian, who administers or assists in the administration of the provisions of sections 273.325 to 273.357, or any appointee of the director, and shall include all deputy state veterinarians;]

(9) "Auction", any person selling any consignment of dogs or cats to a bidder; this shall include any means, procedure or practice in which ownership of a dog or cat is conveyed from one person to another by any type or method of bidding process;

[(7)] **(10) "Boarding kennel", a place or establishment, other than a [pound] municipal shelter or animal shelter, where animals, not owned by the proprietor, are sheltered, fed, and watered in return for a consideration; however, "boarding kennel" shall not include hobby or show breeders who board intact females for a period of time for the sole purpose of breeding such intact females, and shall not include individuals who temporarily, and not in the normal course of business, board or care for animals owned by other individuals;**

[(8)] **(11) "Commercial breeder", a person, other than a hobby or show breeder, engaged in the business of breeding animals for sale or for exchange in return for a consideration, and who harbors more than three intact females for the primary purpose of breeding animals for sale;**

[(9)] **(12) "Commercial kennel", a kennel which performs grooming or training services for animals, and may or may not render boarding services in return for a consideration;**

[(10)] **(13) "Contract kennel", any facility operated by any person or entity other than the state or any political subdivision of the state, for the purpose of impounding or harboring seized, stray, homeless, abandoned or unwanted animals, on behalf of and pursuant to a contract with the state or any political subdivision;**

[(11)] **(14) "Dealer", any person who is engaged in the business of buying for resale, selling or exchanging animals, as a principal or agent, or who holds himself out to be so engaged or is otherwise classified as a dealer by the USDA as defined by regulations of the USDA;**

[(12)] **(15) "Director", the director of the department of agriculture of the state of Missouri;**

(16) "Exhibitor", any person exhibiting any dog or cat to the public for compensation or consideration of any kind, whether directly or indirectly;

[(13)] **(17) "Hobby or show breeder", a noncommercial breeder who breeds dogs or cats with the primary purpose of exhibiting or showing dogs or cats, improving the breed or selling the dogs or cats, and having no more than ten intact females. Such breeder shall be classified as a hobby or show breeder if such person only sells animals to other breeders or to individuals;**

[(14)] **(18) "Humane euthanasia", the act or practice of putting an animal to death in a humane or instantaneous manner under guidelines and procedures established by rules promulgated by the director;**

[(15)] **(19) "Intact female", with respect to a dog, refers to a female dog between the ages of six months and ten years of age which is capable of being bred; and with respect to a cat, refers to a female cat between the ages of six months and eight years which is capable of being bred;**

(20) "Intermediate handler", any person engaged in any business in which he or she receives custody of animals through boarding, ownership or brokering in connection with their transportation in commerce;

(21) "Municipal shelter", a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, relinquished, abandoned, or unwanted animals;

[(16)] **(22) "Pet shop", any facility where animals are bought, sold, exchanged, or offered for retail sale to the general**

public;

[(17) "Pound" or "dog pound", a facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals;]

[(19)] **(23)** "USDA", the United States Department of Agriculture.

273.327. No person shall operate **or permit to be operated on any premises owned, leased, managed or otherwise controlled by such person, an animal distributor premises, an auction**, an animal shelter, [pound or dog pound] **municipal shelter**, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, other than a limited show or exhibit, or act as a dealer [or], commercial breeder **or intermediate handler**, unless he has obtained a license for such operations from the director. An applicant shall obtain a separate license for each separate physical facility subject to sections 273.325 to 273.357 which is operated by the applicant **and no more than one license shall be issued for each physical facility**. Any person exempt from the licensing requirements of sections 273.325 to 273.357 may voluntarily apply for a license. Application for such license shall be made in the manner provided by the director. The license shall expire annually unless revoked. As provided by rules to be promulgated by the director, the **basic minimum** license fee shall range from one hundred to five hundred dollars per year **with an additional minimum charge of one dollar per animal sold, traded, bartered, brokered, auctioned, given away, transferred or otherwise disposed of other than by euthanasia or death over the course of a year, with a total cap of \$1,000.00 maximum. If the per capita fee cannot be determined because the applicant is operating a new facility, the director shall determine the per capita fee for the first year of the license based on the operating capacity of the facility six months after the license is issued and shall be payable by the applicant at that time. All other per capita fees are to be set by rules promulgated by the director.** [Pounds, dog pounds] **Municipal shelters** and animal shelters shall be exempt from payment of [such fee] **license and per capita fees**. License fees shall be levied for each license issued or renewed on or after January 1, 1993.

273.329. 1. The director may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

(1) Material and deliberate misstatement in the application for any original license or for any renewal license under sections 273.325 to 273.357;

(2) Disregard or violation of sections 273.325 to 273.357 or of any rules promulgated pursuant thereto;

(3) Conviction of any violation of any state or federal law relating to the disposition or treatment of animals;

(4) Failure to provide adequate food, water, housing or sanitary facilities for animals under the control of an **animal distributor**, animal shelter, boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, **intermediate handler**, pet shop, [pound] **municipal shelter**, or exhibitor as defined by regulations of the USDA.

2. Operation of an animal shelter, [pound or dog pound] **animal distributor premises, auction, municipal shelter**, boarding kennel, commercial kennel, contract kennel, pet shop, or exhibition facility, or activity as a commercial breeder, **intermediate handler** or dealer without a valid license shall constitute a class A misdemeanor.

273.340. A dealer shall only purchase animals from persons in this state who are licensed under sections 273.325 to 273.357, or who are exempt from licensure. Any dealer who knowingly purchases animals in violation of this section **or knowingly purchases animals from a person or facility whose license has been suspended or revoked**, shall be guilty of a class A misdemeanor and each purchase made shall constitute a separate offense. In addition to such penalties, the director [may] **shall** revoke such dealer's license.

273.342. 1. Persons engaged in breeding dogs and cats who harbor three or less intact females shall be exempt from the provisions of sections 273.325 to 273.357.

2. A hobby or show breeder shall be exempt from the licensure and inspection requirements of sections 273.325 to 273.357. The director shall develop a form for registration of persons who meet the definition of hobby or show

breeder, and any such hobby or show breeder shall register annually with the director for the purpose of establishing that such person is a hobby or show breeder, at no cost to said hobby or show breeder. **Any person who intentionally provides false information on the registration form is guilty of a class A misdemeanor.**

[273.352. 1. There is hereby established an advisory committee to assist the director in establishing rules under sections 273.350 and 273.352 and to provide ongoing review of the administration of sections 273.325 to 273.357. The members of the advisory committee shall receive no compensation or reimbursement for their expenses incurred in the performance of their duties. The advisory committee shall consist of thirteen persons appointed by the director as follows:

- (1) One person who operates or supervises an animal shelter;
- (2) One person who operates or is employed by a pound or dog pound;
- (3) One person who operates a commercial kennel or a boarding kennel;
- (4) One person who operates a pet shop and who sells both dogs and cats;
- (5) One dealer;
- (6) One person who operates or is employed by an animal humane society or other humane organization;
- (7) One veterinarian licensed pursuant to chapter 340, RSMo;
- (8) One person who is a commercial animal breeder, who breeds both dogs and cats;
- (9) One person representing the Missouri Animal Control Association;
- (10) One person representing professional cat breeders;
- (11) The state veterinarian of the department of agriculture;
- (12) The state public health veterinarian of the department of health;
- (13) One hobby or show breeder.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.]

273.353. 1. There is hereby established the "ACFA Advisory Board" to assist the director in establishing rules pursuant to sections 273.325 to 273.357 and to provide ongoing review of the administration and enforcement of sections 273.325 to 273.357. The members of the advisory board shall receive no compensation or reimbursement for their expenses incurred in the performance of their duties. The members of the advisory board shall serve for three-year terms but not to exceed two consecutive complete terms. Any members of the advisory committee appointed pursuant to section 273.352 shall be eligible for appointment to the advisory board created pursuant to this section. Vacancies on the advisory board shall be filled for the unexpired term by appointment by the governor with the advice and consent of the senate. The advisory board shall meet at least quarterly and at such other times as a majority of the advisory board members may determine.

2. The advisory board shall consist of twelve persons appointed by the governor, with the advice and consent of the senate, as follows:

- (1) One person who operates or supervises an animal shelter;**
- (2) One person who operates or is employed by a municipal shelter or a representative of the Missouri animal control association;**

- (3) One person who operates a commercial kennel or a boarding kennel;
- (4) One person who operates a pet shop;
- (5) One dealer;
- (6) One person who operates or is employed by an animal humane society;
- (7) One veterinarian licensed pursuant to chapter 340, RSMo;
- (8) One person who is a commercial animal breeder, who breeds dogs or cats;
- (9) The state veterinarian of the department of agriculture;
- (10) The state public health veterinarian of the department of health;
- (11) One hobby or show breeder; and
- (12) One public member who is not associated with the breeding industry or any animal rights group.

3. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

273.357. All fees collected by the director from licenses issued under sections 273.325 to 273.357 **and all administrative fees, penalties and other moneys collected by the director pursuant to sections 273.325 to 273.357** shall be used to administer the provisions of sections 273.325 to 273.357, and shall be deposited in the state treasury to the credit of the "Animal Care Reserve Fund", which is hereby created. **Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources. A complete listing of all donors and amounts given to the fund will be available for review upon request.** All moneys deposited in the animal care reserve fund shall be subject to appropriation for the use and benefit of the department of agriculture to administer the provisions of sections 273.325 to 273.357. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the animal care reserve fund shall not be transferred to the general revenue fund at the end of the biennium. **Any portion of the fund not immediately needed for the purposes authorized shall be invested by the state treasurer as provided by the constitution and laws of this state. All income from such investments shall be retained in the animal care reserve fund.**"; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Gibbons offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 7 of amendment, Section 273.340, Line 15, by deleting all of said section; and on page 8, Section 273.342.2, by deleting all on lines 5 and 6; and further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons offered **SA 2** to **SA 2**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 6 of amendment, Section 273.327, Line 7, by deleting all the brackets on said line.

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Gibbons, **SA 2** to **SA 2** was withdrawn.

Senator Foster offered **SA 3** to **SA 2**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 6 of amendment, Section 273.327, Line 7, by inserting an opening bracket after the words "one hundred" and a closing bracket after the words "five hundred"; and

Further on line 7, by placing an opening [before the word "range" and a] after the word "from" and inserting before the word "one" the word "**be**"; and

Further on line 11, by inserting before the word "cap" the word "combined".

Senator Foster moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 27, Page 4, Section 322.145, Line 24 of said page, by inserting immediately after said line the following:

"578.012. 1. A person is guilty of animal abuse when a person:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030, RSMo;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

2. Animal abuse is a class A misdemeanor, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a class D felony.

[3. For purposes of this section, "animal" shall be defined as a mammal.]; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Johnson moved that **SS** for **SCS** for **SB 27**, as amended, be adopted, which motion prevailed.

On motion of Senator Johnson, **SS** for **SCS** for **SB 27**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HCS for **HJR 7**--Transportation.

HB 436--Local Government and Economic Development.

HS for **HB 349**--Pensions and General Laws.

HS for **HCS** for **HB 488**--Local Government and Economic Development.

HCS for **HB 660**--Pensions and General Laws.

HB 678--Rules, Joint Rules, Resolutions and Ethics.

HCS for **HB 426**--Pensions and General Laws.

HCS for **HB 831**--Civil and Criminal Jurisprudence.

HB 16--Appropriations.

HB 17--Appropriations.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry E. Adams, 863 Coalport Drive, Chesterfield, St. Louis County, Missouri 63141, as Commissioner of the Missouri State Water Patrol, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Bob Boydston, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Josephine L. Emerick, 14051 Calcutta Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, for a term ending September 1, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles R. Jackson, 117 Doehla Drive, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Public Safety, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Gary B. Kempker, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gary B. Kempker, 2024 Scenic Drive, Jefferson City, Cole County, Missouri 65101, as Director of the Department of Corrections, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Dora B. Schriro, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger D. Stottlemire, 126 Riverwood Drive, Jefferson City, Cole County, Missouri 65109, as Superintendent of the Missouri State Highway Patrol, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Weldon L. Wilhoit, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 42** and **108** and **SS** for **SCS** for **SBs 334** and **222** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 26**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **SCR 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCS** for **SS** for **SCR 13**.

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 13

WHEREAS, the United States Fish and Wildlife Service has recommended that the United States Army Corps of Engineers implement the so-called "spring rise-split season" plan for operation of the Missouri River mainstem reservoir system. This plan would result in an increase in the flow of the Missouri River in the spring and a reduction of the flow in the summer of each year, purportedly to improve habitat for the threatened and endangered pallid sturgeon, least tern and piping plover; and

WHEREAS, additional changes under consideration by the United States Army Corps of Engineers to the Missouri River Master Manual would result in the storage of more water in the upstream reservoirs while decreasing the amount of water available downstream for designated uses. These changes would shorten the navigation season on the Missouri River by twenty-seven days in November and put at risk Mississippi River navigation as well; and

WHEREAS, analysis of the proposed changes by the state of Missouri and the United States Army Corps of Engineers has indicated these changes will fail to improve and will potentially diminish habitat for the species in question, will increase the risk of flooding along the Missouri River, and will result in a decrease in river levels in early summer and fall which will impact navigation and other designated uses on the Missouri and Mississippi Rivers; and

WHEREAS, habitat restoration along the lower Mississippi River has demonstrated great success in aiding the recovery of these species and a similar approach should be given the opportunity to succeed on the Missouri River; and

WHEREAS, these plans have the potential for severe impact on any industry which uses the Missouri River or Mississippi River to transport products and the potential to increase risk of flooding in river communities and on farm land in the Missouri and lower Mississippi River basins; and

WHEREAS, these proposals do not adequately address the concerns and needs of states in the lower Missouri and Mississippi River basin, and will not realize the purported benefit of increasing habitat for endangered species; and

WHEREAS, the Missouri departments of natural resources, conservation and transportation have opposed these plans and have informed the Fish and Wildlife Service and the United States Army Corps of Engineers of their concerns regarding the potential impact on the state's river communities, lands, businesses and wildlife habitat:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the Governor to protest against any proposals that would so negatively impact beneficial uses of the lower Missouri and Mississippi Rivers and would not significantly improve conditions for the species of concern; and

BE IT FURTHER RESOLVED that the members of the General Assembly urge the Department of Natural Resources, the Department of Conservation and the Department of Transportation to continue to insist that any plan involving the operations of the Missouri River improve the Missouri River for all beneficial uses and be sure any river management changes are based on sound science; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the United

States Fish and Wildlife Service, the United States Army Corps of Engineers, the Governor of Missouri, the Director of the Department of Natural Resources, the Director of the Department of Conservation and the Director of the Department of Transportation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **SCR 14**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 16**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 22**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 20**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 357**.

Emergency clause, as amended, defeated.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 555**, entitled:

An Act to amend chapters 192 and 196, RSMo, by adding thereto twenty new sections relating to a life sciences research program and tobacco settlement, with a referendum clause for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 713, regarding Lieutenant John H. Ford, Jefferson City, which was adopted.

Senator Kenney offered Senate Resolution No. 714, regarding National Association of Insurance Women Week, which was adopted.

Senator DePasco offered Senate Resolution No. 715, regarding Emily Smith, which was adopted.

Senator Stoll offered Senate Resolution No. 716, regarding Eleanor Koch Rehm, DeSoto, which was adopted.

Senator Bland offered Senate Resolution No. 717, regarding Michelle Moore, which was adopted.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 224**; **SCS** for **SB 431**; and **SB 443**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

HB 693, with **SCS**, introduced by Represen-tatives Smith and Carnahan, entitled:

An Act to repeal sections 407.820, 407.822, 621.053, 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 2000, relating to the administrative hearing commission, and to enact in lieu thereof seven new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

SCS for **HB 693**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 693

An Act to repeal sections 407.820, 407.822, 621.053, 621.055, 621.155, 621.165, 621.175, 621.185, 621.189 and 621.198, RSMo 2000, relating to administrative procedure, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **HB 693** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **HB 693** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			

Bentley
Bland--2
Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

HB 825, introduced by Representative Kennedy, entitled:

An Act to repeal section 144.815, RSMo 2000, relating to the exemption from taxation of bullion and investment coins, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 825** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Bland--2		
	Absent with leave--Senator Carter--1		

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 274**; **SCS** for **SB 431**; **SB 224**; and **SB 443**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 431**; **SB 224**; and **SB 443**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

HOUSE BILLS ON THIRD READING

HB 321, introduced by Representative Skaggs, et al, entitled:

An Act to repeal section 92.402, RSMo 2000, relating to taxation for public mass transportation systems, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 321** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Russell--1			
Absent with leave--Senator Carter--1			

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

President Maxwell assumed the Chair.

HB 590, introduced by Representative Graham, entitled:

An Act to repeal section 135.490, RSMo 2000, relating to tax relief for small employers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Gibbons.

On motion of Senator Gibbons, **HB 590** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Schneider

Sims--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

HB 808 and **HB 951**, with **SCS**, entitled respectively:

An Act to authorize the conveyance of two parcels of property owned by the state in Cole County to the City of Jefferson for the purpose of wastewater treatment.

An Act to authorize the conveyance of certain property in Cole County.

Were called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 808** and **HB 951**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 808 AND

HOUSE BILL NO. 951

An Act to authorize conveyance of certain property owned by the state located in Cole County.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 808** and **HB 951** be adopted.

Senator Rohrbach requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 808 and House Bill No. 951, Page 2, Section 1, Line 30 of said page, by striking "45'" and inserting in lieu thereof "**45**'".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach moved that **SCS** for **HB 808** and **HB 951**, as amended, be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 808** and **HB 951**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators	
Bentley	Caskey	
DePasco	Dougherty	

Cauthorn
Foster

Childers
Gibbons

Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Quick	Stoll--3	
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Bentley moved that **HB 544**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 544** was again taken up.

At the request of Senator Singleton, **SS** for **SCS** for **HB 544** was withdrawn.

Senator Singleton offered **SS No. 2** for **SCS** for **HB 544**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 544

An Act to repeal sections 354.603, 354.618, 376.383 and 376.406, RSMo 2000, relating to health care services, and to enact in lieu thereof seven new sections relating to the same subject, with an effective date for a certain section.

Senator Singleton moved that **SS No. 2** for **SCS** for **HB 544** be adopted.

Senator Rohrbach raised the point of order that **SS No. 2** for **SCS** for **HB 544** is out of order as it goes beyond the scope and purpose of the original bill.

At the request of Senator Singleton, **SS No. 2** for **SCS** for **HB 544** was withdrawn, rendering the point of order moot.

SCS for **HB 544** was again taken up.

Senator Schneider raised the point of order that **SCS** for **HB 544** is out of order as it goes beyond the scope and purpose of the original bill by adding new subject matter.

The point of order was referred to the President Pro Tem, who ruled it well taken.

HB 544 was again taken up.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 544, Page 1, In the Title, Line 1, by inserting after "records" ", with an effective date for a certain section"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

"191.940. 1. For the purposes of this section the following terms mean:

(1) "Disclose", to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information, except that disclosure shall not include any information divulged directly to the individual to whom such information pertains;

(2) "Health information", any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provision of health care to an individual;

(3) "Licensee", all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold, a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;

(4) "Nonpublic personal health information", health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;

(5) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, or any other entity.

2. Any person who, in the ordinary course of business, practice of a profession or rendering of a service, creates, stores, receives or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior, written authorization of the person to whom such information pertains or such person's authorized representative, if:

(1) The nonpublic personal health information is disclosed to an affiliate or other third party in exchange for consideration; or

(2) The purpose of the disclosure is:

(a) For the marketing of services or goods for personal, family or household purposes;

(b) To facilitate an employer's employment-related decisions, including, but not limited to, hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;

(c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family

or household purposes; or

(d) Unrelated to any legitimate objective regarding the business, practice or service offered by the disclosing person or entity.

3. Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be fined not more than five hundred dollars for each violation of this section and may be liable in a civil action for damages or equitable relief. Any violation under this subsection may be enforced by a state agency responsible for regulating the person or by the attorney general.

5. To the extent a person other than a licensee is subject to and complies with all requirements of the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164 (the "federal privacy rules"), such person shall not be in violation of this section. Until April 14, 2003, a person other than a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

6. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall not be in violation of this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information Regulation", the licensee shall not be in violation of this section.

8. Notwithstanding the provisions of subsections 5, 6 and 7 of this section, no person or licensee may disclose nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

9. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including, without limitation, treating violations of this section by licensees as unfair trade practices pursuant to sections 375.930 to 375.948, RSMo.

10. There shall be established a "Commission on Health Information Privacy" to study the issue of the protection of the privacy of nonpublic personal health information. By January 1, 2003, the commission shall make a recommendation to the general assembly of what additional legislative measures should be enacted to protect the privacy of nonpublic health information.

(1) The members of the commission shall be named by the governor and shall be citizens and residents of the state. The commission shall consist of fifteen individuals: one representative from the health insurance industry; one representative from the life insurance industry; one representative from the property and casualty insurance industry; three representatives from consumer advocacy organizations; three representatives from health care provider organizations; one representative from the department of health; one representative from the department of insurance; and four at-large representatives with demonstrated interest or expertise in health information privacy issues.

(2) Members shall receive no remuneration for their services but shall be reimbursed for actual and reasonable expenses incurred by them in the performance of their duties."; and

Further amend said bill, Page 2, Section 334.097, Line 34, by inserting after all of said line the following:

"Section B. The enactment of section 191.940 of this act shall become effective January 1, 2002."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

At the request of Senator Bentley, **HB 544**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Gross assumed the Chair.

HCS for **HBs 302** and **38**, with **SCS**, entitled:

An Act to repeal sections 302.302, 302.309, 302.505, 302.510, 302.520, 302.541, 306.112, 306.117, 577.012 and 577.037, RSMo 2000, relating to driving with excessive blood alcohol content, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Westfall.

SCS for **HCS** for **HBs 302** and **38**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 302 and 38

An Act to repeal sections 302.130, 302.178, 302.302, 302.304, 302.309, 302.505, 302.510, 302.520, 302.540, 302.541, 577.012, 577.021, 577.023, 577.037, 577.041, 577.600 and 577.602, RSMo 2000, relating to traffic offenses, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

Was taken up.

Senator Westfall moved that **SCS** for **HCS** for **HBs 302** and **38** be adopted.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 302 and 38, Page 19, Section 302.540, Line 49, by inserting after all "mental health" the following: "**may create a treatment demonstration project within existing appropriations and**".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 302 and 38, Page 16, Section 302.505, Line 2, by inserting after the word "person" as it appears the first time the following: "**of any age**"; and further amend lines 11-12, by striking the words "or more"; and further amend line 12, by inserting immediately after the word "weight" the following: "**but no more than the prima facie blood alcohol content for intoxication**".

established pursuant to section 577.037, RSMo"; and further amend line 21, by striking the word "under" and inserting in lieu thereof the words "**pursuant to**"; and

Further amend said bill, Page 16, Section 302.510, Line 2, by inserting after the word "person" the following: "**of any age**"; and further amend line 6, by inserting after the word "or" as it appears the second time the words "**at least**"; and further amend line 7, by inserting immediately after the word "weight" the following: "**but no more than the prima facie blood alcohol content for intoxication established pursuant to section 577.037, RSMo**"; and

Further amend said bill, Page 17, Section 302.520, Line 3, by inserting after the word "concentration" the words "**for a person of any age**"; and further amend line 5, by inserting after the word "is" the words "**at least**"; and further amend line 6, by inserting immediately after the word "blood" the following: "**but no more than the prima facie blood alcohol content for intoxication established pursuant to section 577.037, RSMo**"; and

Further amend said bill, Page 19, Section 302.541, Line 1, by inserting after the word "person" the following: "**of any age**"; and further amend line 9, by inserting after the word "of" as it appears the first time the words "**at least**"; and further amend line 10, by inserting immediately after the word "weight" the following: "**but no more than the prima facie blood alcohol content for intoxication established pursuant to section 577.037, RSMo**"; and

Further amend said bill, Page 20, Section 302.541, Line 14, by inserting after the word "with" the words "**at least**"; and further amend line 15, by inserting after the word "content" the following: "**but no more than the prima facie blood alcohol content for intoxication established pursuant to section 577.037, RSMo**"; and further amend line 18, by inserting after all of said line the following:

"302.545. 1. Any person who is less than twenty-one years of age and whose driving privilege has been suspended or revoked, for a first determination [under] **pursuant to** sections 302.500 to 302.540, that such person was driving with **at least** two-hundredths of one percent of blood alcohol content **but no more than the prima facie blood alcohol content for intoxication established pursuant to section 577.037, RSMo**, shall have all official records and all recordations maintained by the department of revenue of such suspension or revocation expunged two years after the date of such suspension or revocation, or when such person attains the age of twenty-one, whichever date first occurs. Such expungement shall be performed by the department of revenue without need of a court order. No records shall be expunged if the person was found guilty or pled guilty to operating a commercial motor vehicle, as defined in section 302.700, with a blood alcohol content of at least four-hundredths of one percent.

2. The provisions of this section shall not apply to any person whose license is suspended or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is convicted of any alcohol-related driving offense before the age of twenty-one including, but not limited to:

(1) Driving while intoxicated pursuant to section 577.010, RSMo; or

(2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion failed.

Senators Schneider and Klarich offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 302 and 38, Page 18, Section 302.520, Line 28, by inserting after all of said line the following:

"302.535. 1. Any person aggrieved by a decision of the department may file a petition for trial de novo by the circuit court. The burden of proof shall be on the state to adduce the evidence. Such trial shall be conducted pursuant to the Missouri rules of civil procedure and not as an appeal of an administrative decision pursuant to chapter 536,

RSMo. The petition shall be filed in the circuit court of the county where the arrest occurred. The case shall be decided by the judge sitting without a jury. The presiding judge of the circuit court may assign a [traffic judge, pursuant to section 479.500, RSMo 1994, a] circuit judge or an associate circuit judge to hear such petition.

2. The filing of a petition for trial de novo shall not result in a stay of the suspension or revocation order. But upon the filing of such petition, a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education shall be issued by the department if the person's driving record shows no prior alcohol related enforcement contact during the immediately preceding five years. Such limited driving privilege shall terminate on the date of the disposition of the petition for trial de novo.

3. In addition to the limited driving privilege as permitted in subsection 2 of this section, the department may upon the filing of a petition for trial de novo issue a restricted driving privilege for the limited purpose of driving in connection with the petitioner's business, occupation, employment, or formal program of secondary, postsecondary or higher education. In determining whether to issue such a restrictive driving privilege, the department shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.

4. Such time of restricted driving privilege pending disposition of trial de novo shall be counted toward any time of restricted driving privilege imposed pursuant to section 302.525. Nothing in this subsection shall be construed to prevent a person from maintaining his restricted driving privilege for an additional sixty days in order to meet the conditions imposed by section 302.540 for reinstating a person's driver's license."; and

Further amend said bill, Page 21, Section 304.028, Line 26, by inserting after all of said line the following:

"479.500. 1. In the twenty-first judicial circuit, a majority of the circuit judges, en banc, may establish a traffic court, which shall be a division of the circuit court, and may authorize the appointment of not more than three municipal judges who shall be known as traffic judges. The traffic judges shall be appointed by a traffic court judicial commission consisting of the presiding judge of the circuit, who shall be the chair, one circuit judge elected by the circuit judges, one associate circuit judge elected by the associate circuit judges of the circuit, and two members appointed by the county executive of St. Louis County, each of whom shall represent one of the two political parties casting the highest number of votes at the next preceding gubernatorial election. The procedures and operations of the traffic court judicial commission shall be established by circuit court rule.

2. Traffic judges may be authorized to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by circuit court rule. Traffic judges may also be authorized to hear in the first instance violations of county and municipal ordinances involving motor vehicles, and other county ordinance violations, as provided by circuit court rule.

3. In the event that a county municipal court is established pursuant to section 66.010, RSMo, which takes jurisdiction of county ordinance violations the circuit court may then authorize the appointment of no more than two traffic judges authorized to hear municipal ordinance violations other than county ordinance violations, and to act as commissioner to hear in the first instance nonfelony violations of state law involving motor vehicles, and such other offenses as may be provided by rule. [These traffic court judges also may be authorized to act as commissioners to hear in the first instance petitions to review decisions of the department of revenue or the director of revenue filed pursuant to sections 302.309, 302.311, 302.535 and 302.750, RSMo.]

4. In establishing a traffic court, the circuit may be divided into such sectors as may be established by a majority of the circuit and associate circuit judges, en banc. The traffic court in each sector shall hear those cases arising within the territorial limits of the sector unless a case arising within another sector is transferred as provided by operating procedures.

5. Traffic judges shall be licensed to practice law in this state and shall serve at the pleasure of a majority of the circuit and associate circuit judges, en banc, and shall be residents of St. Louis County, and shall receive from the state as annual compensation an amount equal to one-third of the annual compensation of an associate circuit judge. Each judge shall devote approximately one-third of his working time to the performance of his duties as a

traffic judge. Traffic judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a traffic judge and shall not be a judge or prosecutor for any other court. Traffic judges shall not be considered state employees and shall not be members of the state employees' or judicial retirement system or be eligible to receive any other employment benefit accorded state employees or judges.

6. A majority of the judges, en banc, shall establish operating procedures for the traffic court which shall provide for regular sessions in the evenings after 6:00 p.m. and for Saturday or other sessions as efficient operation and convenience to the public may require. Proceedings in the traffic court, except when a judge is acting as a commissioner pursuant to this section, shall be conducted as provided in supreme court rule 37. The hearing shall be before a traffic judge without jury, and the judge shall assume an affirmative duty to determine the merits of the evidence presented and the defenses of the defendant and may question parties and witnesses. No term of imprisonment or confinement may be assessed by a traffic judge. In the event a jury trial is requested, the cause shall be certified to the circuit court for trial by jury as otherwise provided by law. Clerks and computer personnel shall be assigned as needed for the efficient operation of the court.

7. In establishing operating procedure, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

8. Operating procedures shall be provided for electronic recording of proceedings, except that if adequate recording equipment is not provided at county expense, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of section 512.180, RSMo, shall not apply to such cases.

9. The circuit court shall only have the authority to appoint two commissioners with the jurisdiction provided in subsection 3 of this section.

10. All costs to establish and operate a county municipal court under section 66.010, RSMo, and this section shall be borne by such county."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Westfall moved that **SCS** for **HCS** for **HBs 302** and **38**, as amended, be adopted, which motion prevailed.

Senator Westfall was recognized to close.

President Pro Tem Kinder referred **SCS** for **HCS** for **HBs 302** and **38**, as amended, to the Committee on State Budget Control, which placed the bill on the Informal Calendar.

HB 157, with **SCS**, introduced by Representative Hosmer, entitled:

An Act to repeal sections 193.185 and 451.080, RSMo 2000, relating to marriage licenses, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Bentley.

SCS for **HB 157**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 157

An Act to repeal sections 193.185, 451.022 and 451.080, RSMo 2000, relating to marriage, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **HB 157** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **HB 157** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Sims--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

HJR 5, introduced by Representative Barry, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri, relating to school district bond elections and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator Yeckel.

Senator Klarich offered **SS** for **HJR 5**, entitled:

SENATE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION NO. 5

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to property taxes, and adopting two new sections in lieu thereof relating to the same subject.

Senator Klarich moved that **SS** for **HJR 5** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Joint Resolution No. 5, Page 3, Section 25, Line 7, by deleting lines 7 through 29 on said page.

Senator Klarich moved that the above amendment be adopted.

Senator Gibbons assumed the Chair.

Senator Jacob raised the point of order that **SS** for **HJR 5** is out of order as the **SS** goes beyond the scope of the original joint resolution.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the joint resolution on the Informal Calendar, with **SS** and **SA 1** (pending).

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 13** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 18**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 19** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 835, 90, 707, 373, 641, 510, 516** and **572**, entitled:

An Act to repeal sections 50.550, 150.465, 195.222, 195.223, 210.001, 210.025, 210.140, 214.131, 217.690, 302.302, 302.321, 304.012, 374.700, 374.715, 374.755, 494.425, 494.430, 537.523, 542.261, 542.276, 544.170, 547.170, 556.036, 556.061, 558.019, 559.100, 565.024, 565.050, 565.060, 565.070, 565.084, 565.225, 566.067, 566.068, 566.083, 566.090, 566.093, 566.140, 566.141, 569.070, 570.010, 570.020, 570.030, 570.080, 570.090, 570.120, 570.130, 570.135, 571.030, 571.070, 574.085, 575.230, 577.020, 590.105, 590.650, 595.030, 595.035, 595.045, 595.209, 632.480, 650.050 and 650.055, RSMo 2000, and to enact in lieu thereof one hundred three new sections relating to crimes and punishment, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 280, 69, 497** and **689**, entitled:

An Act to repeal sections 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 320.091, 320.094, 321.130, 321.190, 321.300 and 355.066, RSMo 2000, relating to the provision of emergency services, and to enact in lieu thereof forty-eight new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 736**, entitled:

An Act to repeal sections 95.280, 143.471, 148.064, 148.400, 301.600, 362.044, 362.105, 362.106, 362.119, 362.170, 362.270, 362.325, 362.335, 362.495, 362.935, 362.942, 408.052, 408.140 and 513.430, RSMo 2000, relating to banking, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 428**, entitled:

An Act to amend chapter 575, RSMo, by adding thereto one new section relating to eluding a law enforcement official, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 592**, entitled:

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to a multicultural program and committee within the office of the lieutenant governor, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS** for **HCS** for **HB 13**; **SCS** for **HCS** for **HB 18**, as amended; and **SCS** for **HCS** for **HB 19** to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 13**; **SCS** for **HCS** for **HB 18**, as amended; and **SCS** for **HCS** for **HB 19**, and grant the House a conference thereon, which motion

prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 13**; **SCS** for **HCS** for **HB 18**, as amended; and **SCS** for **HCS** for **HB 19**: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SCS** for **HB 491** and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Hilary Ryals Huffman, Republican, 6700 Bancroft, Apartment 1 E, St. Louis City, Missouri 63109, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Joan M. Crawford, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Audrey R. Jones, Democrat, 19 Washington Terrace, St. Louis City, Missouri 63112, as Chairperson and member of the Board of the Election Commissioners for St. Louis City, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Floyd A. Kimbrough, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard W. Sullivan, Democrat, 3847 Rue de Renard, Florissant, St. Louis County, Missouri 63034, as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Joseph Neill, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donna M. White, Republican, 1609 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Probation and Parole, for a term ending August 16, 2006, and until her successor is duly appointed and qualified; vice, Jim Mitchell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Pamela S. Wright, Republican, 893 Alanson, University City, St. Louis County, Missouri 63132, as Secretary and member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, John Moten, Jr., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Judy A. Zakibe, Republican, 3216 Regal Place, St. Louis City, Missouri 63139, as Secretary and member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Edward E. Ottinger, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HCS** for **HBs 328** and **88**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 27**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 718, regarding Donald J. Newman, III, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Rohrbach, the President introduced to the Senate, Pat Reed and students from St. Andrews School, Tipton; and Alyssa Davis, Matthew Kuttenkuler, Lianne Knipp and Donna Bracht were made honorary pages.

Senator Gibbons introduced to the Senate, fifty fourth grade students from Edgar Road School, Webster Groves.

Senator Gibbons introduced to the Senate, members of the Kirkwood Area Chamber of Commerce.

Senator Yeckel introduced to the Senate, Mary Herst and one hundred forty-five fifth grade students from Trautwein Accelerated School, St. Louis; and Colleen Schiwinger, Mike Faulkner, Will Kiehne and Samantha Christie were made honorary pages.

Senator Yeckel introduced to the Senate, Tim, Kim and Reagan Nash, Camden Point; and Reagan was made an honorary page.

Senator Caskey introduced to the Senate, Carrie Jacobs, Mrs. Randles and twenty-five fourth, fifth

and sixth grade students from Miami R-I School, Amoret; and Holden Reece, Tiffany Burk, Samantha Fink and Lindsey Wilson were made honorary pages.

Senator Klarich introduced to the Senate, Rita Griesheimer, Jerome Maune, Kathy Maune, Dottie Hillerman and Bernie Hillerman, Washington.

Senator Bland introduced to the Senate, Caleb Wurth, St. Pauls Day School, Kansas City; and Caleb was made an honorary page.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-FIFTH DAY-WEDNESDAY, MAY 2, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 555-Foley

HS for HCS for HBs 835,

90, 707, 373, 641, 510,

516 & 572-Britt

HS for HCS for HBs 280,

69, 497 & 689-Hoppe

HS for HB 736-Liese

HCS for HB 428

THIRD READING OF SENATE BILLS

1. SCS for SB 505-Loudon

(In Budget Control)

2. SS for SCS for SBs 510,
512 & 133-Kenney

(In BudgetControl)

3. SCS for SB 578-Goode
and Russell

(In Budget Control)

4. SS for SB 242-Kenney

(In Budget Control)

5. SCS for SB 225-
Mathewson

(In Budget Control)

6. SS for SCS for SB 375-
Steelman

(In Budget Control)

7. SCS for SB 387-Goode, et al

(In Budget Control)

8. SCS for SBs 42 & 108-Kenney

(In Budget Control)

9. SS for SCS for SBs 334 &
228-Kinder (In Budget Control)

10. SS for SCS for SB 27-
Johnson

SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,
with SCS

SBs 508 & 468-Cauthorn
and Klindt, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HB 207, with
SCA 1 (Childers)

(In Budget Control)

2. HB 80-Ross, with SCS
(Kenney)

(In Budget Control)

3. HCS for HBs 144 & 46,
with SCS (Kenney)
(In Budget Control)

4. HB 949-Barry, with
SCS (Sims)

5. HS for HCS for HB 762-
Barry, with SCS
(Sims and Stoll)

(In Budget Control)

6. HS for HJR 11-Gambaro
(Goode)

7. HCS for HB 567, with

SCS (Klarich)

(In Budget Control)

8. HB 575-O'Connor, et al,

with SCS (Kenney)

9. HS for HB 381-Hoppe,

with SCS (Kenney)

(In Budget Control)

10. HB 444-Kreider, et al,

with SCA 1 (Wiggins)

11. HS for HB 421-Hoppe,

with SCS (Kinder)

12. HB 385-Franklin, with

SCS (Foster)

13. HCS for HBs 205, 323

& 549, with SCS

(Childers) (In Budget Control)

14. HB 662-Green (73) and

St. Onge, with SCS

(Foster)

15. HS for HCS for HB 425-

O'Toole

16. HB 285-Riback Wilson,

et al (Jacob)

17. HB 120-O'Connor, with

SCS (Caskey)

18. HB 163-Berkowitz and

Wagner (Westfall)

19. HB 471-Jolly, et al,

with SCS (Wiggins)

(In Budget Control)

20. HB 626-Hosmer, with

SCS (Bentley)

21. HS for HCS for HB 107-

Clayton, with SCS

(Klarich)

(In Budget Control)

22. HCS for HB 50, with

SCS (Stoll)

(In Budget Control)

23. HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

24. HB 185-Legan, et al,

with SCS (Gross)

25. HCS for HB 738

(Klarich)

26. HCS for HBs 441, 94 &

244 (Johnson)

27. HB 453-Ransdall,

et al, with SCS

(Steelman)

(In Budget Control)

28. HB 501-Bowman, et al,

with SCS (Steelman)

(In Budget Control)

29. HCS for HB 581, with

SCS (Klindt)

30. HB 133-Gambaro, with

SCS (Yeckel)

31. HCS for HB 241, with

SCS (Caskey)

32. HS for HCS for HBs

328 & 88-Harlan,

with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,

with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 593-Klindt, with SCS

SJR 11-Yeckel HOUSE BILLS ON THIRD READING

SCS for HCS for HBs 302 &

38 (Westfall) (In Budget Control)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with SS,

SA 1 & point of order

(pending) (Yeckel) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/11

HB 742-Harding, et al,

with SCS (Johnson)

HB 922-Gaskill and

Bartelsmeyer (Childers)

HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)

HB 600-Hosmer and Marsh

(Bentley)

HB 596-Kennedy and

Gambaro (Scott)

HB 502-Ward (Staples)

HB 410-Holt, et al (House)

HB 409-Surface (Singleton)

HB 408-Kelley (47) (Kenney)

HB 84-Richardson (Childers)

HB 788-O'Connor (Gross) Reported 4/12

HB 78-Kennedy and

Richardson (Klarich)

HB 607-Treadway, et al,

with SCS (Sims)

HB 796-Hosmer, with SCS

(Singleton)

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,

with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS

(Bentley)

HB 420-Williams, et al

(Westfall)

HB 458-Lawson, et al

(Klindt)

HB 470-Shields and

Hegeman (Johnson)

HBs 648, 477 & 805-

Ostmann, et al, with

SCS (Westfall)

HB 691-Barnett, et al,

with SCS (Klindt)

HB 897-Kreider, et al

(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al

(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with

SCS (Rohrbach)

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 227-Jacob, with HCS

SCS for SB 382-Yeckel and

Stoll, with HCS

SCS for SB 520-Foster,

with HCS

SB 544-Johnson, with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell)

HCS for HB 13, with SCS

(Russell)

HCS for HB 18, with SCS,

as amended (Russell)

HCS for HB 19, with SCS

(Russell)

HB 491-George, with SCS

(Goode) Requests to Recede or Grant Conference

SCS for SB 151-Childers,

with HCS

(Senate requests House

recede or grant conference)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

To be Referred

SCR 33-Westfall

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 5-Mays, with SS

(pending) (Goode)

HCR 24-Boucher, with SCS

(Yeckel)

Reported from House with Amendments

SS for SCR 13-Foster,

with HCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-FIFTH DAY--WEDNESDAY, MAY 2, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Terry Tastard wrote: "In true prayer there is a preparedness to cooperate with God, who is always seeking to draw the world towards his perfection. Prayer implies cooperation, and cooperation demands an alertness about what is going on in the world."

Gracious God, we had opportunities to pray with and share time with one another this morning. It helps us keep in focus that we share this world together with others who look to us to find ways to cooperate and seek to provide those things which can eliminate injustice and promote harmony in our daily work and living with each other. Help us dear God to be alert to such opportunities. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCG-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	Absent with leave--Senator Carter--1		
	The Lieutenant Governor was present.		

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 719, regarding Crystal Emel, which was adopted.

Senator Goode offered Senate Resolution No. 720, regarding Chris Baucom, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 721

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the sudden and unexpected death of Charles Gordon Greene, of Lee's Summit and Hickman Mills; and

WHEREAS, Mr. Greene, a native of Aurora, Illinois, had served as Principal of Hickman Mills High School since 1992 and had been associated with that School District for 20 years; and

WHEREAS, Mr. Greene graduated from Imperial High School in Big Sandy, Texas, in 1969, where he was student body president and class valedictorian; and

WHEREAS, Mr. Greene attended Southwest Missouri State University, Springfield, Missouri, where he received his B.S. and M.S. Degrees and his Educational Specialist Degrees; and

WHEREAS, Mr. Greene served as a teacher in Bolivar and North Kansas City, Missouri, and in Kansas City, Kansas, before joining the Hickman Mills School District; and

WHEREAS, Mr. Greene, as principal of Hickman Mills High School, became a legend in his own time because of his remarkable relationship with his students and their parents and his fellow teachers and administrators, and remarkably innovative programs such as the ROTC, Block Scheduling Interdisciplinary Team Teaching, and the A+ Program;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of a remarkable educator, Charles Gordon Greene, express their appreciation for his lifetime of good citizenship, and his contributions to education and the future leaders of our communities and country, and extend to the Hickman Mills School District, his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the members of his family, the Hickman Mills School District and the student body of Hickman Mills High School.

HOUSE BILLS ON THIRD READING

HB 742, with **SCS**, introduced by Representative Harding, et al, entitled:

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

Was called from the Consent Calendar and taken up by Senator Johnson.

SCS for **HB 742**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 742

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

Was taken up.

Senator Johnson moved that **SCS** for **HB 742** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HB 742** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Jacob	Staples--4
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

HB 922, introduced by Representatives Gaskill and Bartelsmeyer, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to annexation by certain cities.

Was called from the Consent Calendar and taken up by Senator Childers.

On motion of Senator Childers, **HB 922** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bentley	Jacob	Scott--3
	Absent with leave--Senator Carter--1	

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 909, introduced by Representative Davis, entitled:

An Act to authorize the exchange of property interest owned by the department of natural resources and the City of Lexington.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HB 909** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Goode
Gross	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Schneider
Sims	Staples	Steelman	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bentley	Gibbons	House	Russell
Scott	Singleton	Stoll--7	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Klindt moved that motion lay on the table, which motion prevailed.

HB 779, introduced by Representative Barnett, entitled:

An Act to authorize the conveyance of property interest owned by Northwest Missouri State University to the Missouri National Guard and the City of Maryville.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 779** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Westfall
Wiggins--29			
NAYS--Senators--None			
Absent--Senators			
Gibbons	Singleton	Stoll	Yeckel--4
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 600, introduced by Representatives Hosmer and Marsh, entitled:

An Act to authorize the conveyance of certain property between the board of governors of Southwest Missouri State University and the Southwest Missouri Ecumenical Center.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 600** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 596, introduced by Representatives Kennedy and Gambaro, entitled:

An Act to repeal section 100.331, RSMo 2000, relating to certain governmental authorities in cities not within a county, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 596** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Jacob moved that **SB 227**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 227**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 227

An Act to repeal section 461.073, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Jacob moved that **HCS** for **SB 227** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Caskey--1

Absent--Senators--None

Absent with leave--Senator Carter--1

On motion of Senator Jacob, **HCS** for **SB 227** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Caskey--1

Absent--Senators

Russell
Scott--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SCS** for **SB 375**; **SS** for **SCS** for **SBs 510, 512 and 133**; **SCS** for **SB 578**; and **HS** for **HCS** for **HB 762**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HB 949, with **SCS**, introduced by Representative Barry, entitled:

An Act to repeal section 197.285, RSMo 2000, and to enact in lieu thereof one new section relating to hospital whistle-blower protections.

Was taken up by Senator Sims.

SCS for **HB 949**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 949

An Act to repeal sections 197.285, 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366 and 197.367, RSMo 2000, relating to health care, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **HB 949** be adopted.

Senator Sims offered **SS** for **SCS** for **HB 949**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 949

An Act to repeal sections 197.285, 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366 and 197.367 RSMo 2000, relating to health care, and to enact in lieu thereof seventeen new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for **HB 949** be adopted.

Senator Singleton raised the point of order that **SS** for **SCS** for **HB 949** is out of order as the **SS** goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Singleton raised the point of order that **SCS** for **HB 949** is out of order as the **SCS** goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken, stating it was not timely.

SS for **SCS** for **HB 949** was again taken up.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 17, Section 197.398, Line 12, by inserting immediately after said line:

"Section 1. 1. The department of economic development shall conduct a study on the economic impact of Missouri's certificate of need program for the period beginning January 1, 1980, and ending June 1, 2001, with an emphasis on the investigation of those projects rejected by the health facilities review committee during such period and those projects withdrawn from consideration. The study shall:

- (1) Quantify the costs to Missouri health providers associated with compliance with Missouri's certificate of need program during such period, including a study of the amounts paid for certificate of need filing fees and fees to consultants, attorneys and lobbyists by applicants for projects approved by the health facilities review committee during such period;**
- (2) Include results of targeted focus groups and personal interviews with hospital, physician and nursing home applicants to the certificate of need program to determine the impact of compliance with the certificate of need program on the private health planning process;**
- (3) Determine the economic impact of Missouri's certificate of need program in those areas of the state where bordering states have lesser or no certificate of need requirements, including quantifying lost jobs and revenue to the state of Missouri as a result of health care projects and facilities that located outside Missouri as a result of Missouri's certificate of need requirements; and**
- (4) Estimate the loss of competitive alternative health care facilities to Missouri's citizens as a result of the certificate of need program.**

2. In conducting the study, the department may engage the services of consulting engineering firms, certified public accountants and health care consultants.

3. The department of economic development shall submit the completed study to the governor and general assembly by May 1, 2002."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 17, Section 197.398, Line 12, by inserting immediately after said line the following:

"Section 1. 1. There is hereby created within the office of the governor a "Child Custody Abuse and Neglect Commission" which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.

2. The child abuse and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a psychologist, a pediatrician, and educator, the chairman of the children's services commission, a division of family services designee, and three citizens of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.

3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.

4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.

6. This section shall expire on August 28, 2004."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 7, Section 197.376.2(1), Line 14, by deleting the word "seven" and inserting in lieu thereof the word "five"; and

Further amend said section, line 24, by replacing the period "." at the end of said line with a comma ","; and by inserting the following:

"(4) Two members of the senate appointed by the president pro tem, who shall be from different political parties; and

(5) Two members of the house of representatives appointed by the speaker who shall be from different political parties."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach assumed the Chair.

Senator Caskey offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 7, Section 197.376, Line 15,

by deleting "**four**" and inserting in lieu thereof "**three**"; and further amend said section, line 16, by deleting "**Four**" and inserting in lieu thereof "**Three**"; and further amend said section, line 17, by deleting "**three**" on said line and inserting in lieu thereof "**two**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 17, Section 197.398, Line 12, by inserting after all of said line the following:

"198.531. 1. The division of aging, in collaboration with qualified Missouri schools and universities, shall establish an aging-in-place pilot program at a maximum of four selected sites throughout the state which will provide a continuum of care for elders who need long-term care. One aging-in-place pilot program shall be at a thirty-five bed facility in a county of the first classification without a charter form of government with a population of at least ninety thousand but not more than one hundred thousand and a county of the first classification with a population of at least forty-two thousand but less than forty-five thousand and a county of the third classification without a township form of government with a population of at least sixteen thousand nine hundred but less than seventeen thousand, **and one in Northeast Missouri**. For purposes of this section, "qualified Missouri schools and universities" means any Missouri school or university which has a school of nursing, a graduate nursing program, or any other similar program or specialized expertise in the areas of aging, long-term care or health services for the elderly.

2. The pilot program shall:

- (1) Deliver a full range of physical and mental health services to residents in the least restrictive environment of choice to reduce the necessity of relocating such residents to other locations as their health care needs change;
- (2) Base licensure on services provided rather than on facility type; and
- (3) Be established in selected urban, rural and regional sites throughout the state.

3. The directors of the division of aging and division of medical services shall apply for all federal waivers necessary to provide Medicaid reimbursement for health care services received through the aging-in-place pilot program.

4. The division of aging shall monitor the pilot program and report to the general assembly on the effectiveness of such program, including quality of care, resident satisfaction and cost-effectiveness to include the cost equivalent of unpaid or volunteer labor.

5. The division of aging may promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 1, Section A, Line 9 of said page, by inserting after all of said line the following:

"191.940. 1. For the purposes of this section the following terms mean:

(1) "Disclose", to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information, except that disclosure shall not include any information divulged directly to the individual to whom such information pertains;

(2) "Health information", any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provision of health care to an individual;

(3) "Licensee", all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold, a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;

(4) "Nonpublic personal health information", health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;

(5) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, or any other entity.

2. Any person who, in the ordinary course of business, practice of a profession or rendering of a service, creates, stores, receives or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior, written authorization of the person to whom such information pertains or such person's authorized representative, if:

(1) The nonpublic personal health information is disclosed to an affiliate or other third party in exchange for consideration; or

(2) The purpose of the disclosure is:

(a) For the marketing of services or goods for personal, family or household purposes;

(b) To facilitate an employer's employment-related decisions, including, but not limited to, hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;

(c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family

or household purposes; or

(d) Unrelated to any legitimate objective regarding the business, practice or service offered by the disclosing person or entity.

3. Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be fined not more than five hundred dollars for each violation of this section and may be liable in a civil action for damages or equitable relief. Any violation under this subsection may be enforced by a state agency responsible for regulating the person or by the attorney general.

5. To the extent a person other than a licensee is subject to and complies with all requirements of the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164 (the "federal privacy rules"), such person shall not be in violation of this section. Until April 14, 2003, a person other than a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

6. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall not be in violation of this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information Regulation", the licensee shall not be in violation of this section.

8. Notwithstanding the provisions of subsections 5, 6 and 7 of this section, no person or licensee may disclose nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

9. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including, without limitation, treating violations of this section by licensees as unfair trade practices pursuant to sections 375.930 to 375.948, RSMo.

10. There shall be established a "Commission on Health Information Privacy" to study the issue of the protection of the privacy of nonpublic personal health information. By January 1, 2003, the commission shall make a recommendation to the general assembly of what additional legislative measures should be enacted to protect the privacy of nonpublic health information.

(1) The members of the commission shall be named by the governor and shall be citizens and residents of the state. The commission shall consist of fifteen individuals: one representative from the health insurance industry; one representative from the life insurance industry; one representative from the property and casualty insurance industry; three representatives from consumer advocacy organizations; three representatives from health care provider organizations; one representative from the department of health; one representative from the department of insurance; and four at-large representatives with demonstrated interest or expertise in health information privacy issues.

(2) Members shall receive no remuneration for their services but shall be reimbursed for actual and reasonable expenses incurred by them in the performance of their duties."; and

Further amend said bill, Page 32, Section 197.367, Line 27, by inserting after all of said line the following:

"Section B. The enactment of section 191.940 of this act shall become effective January 1, 2002."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Sims raised the point of order that **SA 6** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 6 was again taken up.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Caskey, Klarich and Scott.

SA 6 failed of adoption by the following vote:

YEAS--Senators

Bland	Caskey	Dougherty	House
Jacob	Johnson	Mathewson	Russell
Schneider	Scott	Singleton	Steelman
Stoll	Wiggins--14		

NAYS--Senators

Bentley	Cauthorn	Childers	DePasco
Foster	Gibbons	Goode	Gross
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Sims	Westfall
Yeckel--17			

Absent--Senators

Quick Staples--2

Absent with leave--Senator Carter--1

Senator Caskey offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 949, Page 17, Section 197.398, Line 12, by inserting after said line:

"Section 1. The provisions of sections 197.370 to 197.398 shall expire on December 31, 2003."

Senator Caskey moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Sims, **HB 949**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HCS** for **HBs 144** and **46**, with **SCS**; and **HB 80**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 491**: Senators Goode, Gibbons, Schneider, Sims and Yeckel.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HB 555**--Pensions and General Laws.

HS for **HCS** for **HBs 835, 90, 707, 373, 641, 510, 516** and **572**--Civil and Criminal Juris-prudence.

HS for **HB 736**--Financial and Governmental Organization, Veterans' Affairs and Elections.

HCS for **HB 428**--Civil and Criminal Jurisprudence.

HB 592--Financial and Governmental Organi-zation, Veterans' Affairs and Elections.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 13**: Representatives Green (73), Bonner, Ford, Legan, Purgason.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 18**, as amended: Representatives Green (73), Graham, Ford, Legan, Bearden.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 19**: Representatives Green (73), Graham, Ford, Shields, Bearden.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 212** and has taken up and passed **SCS** for **HB 212**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 603** and has taken up and passed **SCS** for **HB 603**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 644** and has taken up and passed **SCS** for **HB 644**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 693** and has taken up and passed **SCS** for **HB 693**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 780**, entitled:

An Act to repeal sections 67.1300, 67.1360, 135.205, 135.208, 135.230, 135.305, 135.411, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.508, 135.516, 135.530, 208.770, 447.700 and 620.145, RSMo 2000, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to programs administered by the department of economic development, and to enact in lieu thereof twenty-three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 4**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 193**, entitled:

An Act to repeal sections 148.400, 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.022, 375.025, 375.027, 375.031, 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.061, 375.065, 375.071, 375.076, 375.081, 375.082, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.121, 375.136, 375.141, 375.142, 375.158, 379.356 and 384.043, RSMo 2000, and to enact in lieu thereof thirty-one new sections relating to insurance producers, with penalty provisions and an effective date for certain sections.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 193, Page 6, Section 375.014, Line 57, by striking the word "**exiting**" and inserting in lieu thereof the word "**existing**"; and

Further amend said bill, page 19, section 375.023, line 1, by striking the following: "**375.023.1.**" and inserting in lieu thereof the following: "**5.**"; and

Further amend said bill, pages 20 and 21, by renumbering the subsections and amending the intersectional references accordingly; and

Further amend said bill, page 27, section 375.076, line 10, by inserting immediately after the word "**person**" the word

"for"; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 193, Page 6, Section 375.014, Lines 56 to 59, by deleting all of said lines and inserting in lieu thereof the following:

"(9) Employees who are responding to specific requests from existing policyholders on existing policies, but who provide no counsel, advice, suggestion or opinion with respect to the coverage, terms or conditions of the insurance contract, provided that such employees do not sell, solicit or negotiate insurance and are not compensated based on the number of policy changes that may result or the volume of premiums that may be generated from these services."

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 722, regarding Beverly R. Grimsley, Adrian, which was adopted.

Senator Yeckel offered Senate Resolution No. 723, regarding Christopher Michael "Chris" Roeseler, St. Louis, which was adopted.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

Photographers from KMIZ-TV and KYTV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

HB 788, introduced by Representative O'Connor, entitled:

An Act to repeal sections 407.1000, 407.1005, 407.1010, 407.1015 and 407.1020, RSMo 2000, relating to motorcycle franchise practices.

Was called from the Consent Calendar and taken up by Senator Gross.

On motion of Senator Gross, **HB 788** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	DePasco	Dougherty
Foster	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--23	

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Childers	Gibbons
Jacob	Quick	Rohrbach	Russell
Schneider	Stoll--10		

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 502, introduced by Representative Ward, entitled:

An Act to authorize the governor to convey certain property in St. Francois County which is part of the Southeast Missouri Mental Health Center to the American Legion.

Was called from the Consent Calendar and taken up by Senator Staples.

Senator Staples requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 502, Page 1, Section 1, Lines 5-11, by striking all of said lines and inserting in lieu thereof the following:

"Part of Lots 75, 76 and Wm. Alexander 300 Acre Tract of F.W. Rohlands Subdivision of U.S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri.

Commencing at an old iron pin marking the Northwest corner of Lot 62 of F.W. Rohlands subdivision of U.S. Survey 2969, Township 35 North, Range 5 East, thence South 2755'00" West 1,469.86' feet to a found R/W marker on the South right-of-way (ROW) of Missouri Route "W" being the point of beginning of the following described tract; said point of beginning also being the point of beginning of a (.68) Acre tract conveyed to the American Legion Post 416; thence South 2450'24" East 300.00' along the east line of said tract to a point marking the eastern most corner of said tract; thence South 5103'24" West 102.36' feet to a point marking the southern most corner of said tract and being on the east line of a tract N/F USARC TRAINING CENTER; thence South 2450'24" East 75.00' feet along the east line of said training center to a point; thence departing said east line of said tract North 5103'24" East 207.72' feet to a point; thence North 2045'47" West 350.75' to a point on the south right-of-way of said Route "W"; thence South 6511'39" West 125.00' feet along said right-of-way line to the point of beginning, and containing 1.11 acres more or less."; and further amend by renumbering the remaining subsection accordingly.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 502**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bentley

Bland

Sims--3

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 410, introduced by Representative Holt, et al, entitled:

An Act to repeal section 71.285, RSMo 2000, relating to removal of weeds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 410** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Caskey

Cauthorn

Childers

DePasco

Dougherty

Foster

Gibbons

Gross

House

Jacob

Johnson

Kenney

Kinder

Klarich

Klindt

Loudon

Mathewson

Quick

Rohrbach

Russell

Schneider

Scott

Staples

Steelman

Westfall

Wiggins

Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland

Goode

Sims

Singleton

Stoll--5

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 408, introduced by Representative Kelley (47), entitled:

An Act to repeal section 214.030, RSMo 2000, relating to grave lot conveyances and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Kenney.

On motion of Senator Kenney, **HB 408** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Bland

Caskey

Cauthorn

Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Sims	Singleton--3	
	Absent with leave--Senator Carter--1		

President Maxwell assumed the Chair.

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 510, 512** and **133**, introduced by Senator Kenney, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 510, 512 and 133

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420 and 167.349, RSMo 2000, relating to charter schools, and to enact in lieu thereof fourteen new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

On motion of Senator Kenney, **SS** for **SCS** for **SBs 510, 512** and **133** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Bland	Caskey--2		
	Absent--Senator Staples--1		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators

Bland Caskey--2

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SCS for **SB 578**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 578

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program, with an expiration date.

Was taken up by Senator Goode.

On motion of Senator Goode, **SCS** for **SB 578** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Scott--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Steelman moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 375, introduced by Senator Steelman, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 375

An Act to repeal sections 58.451, 58.740, 188.015, 188.052, 188.055, 188.070, 610.010, 610.015, 610.021, 610.022, 610.026, 610.027, 610.100, 610.105 and 610.200, RSMo 2000, relating to public records, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was taken up.

On motion of Senator Steelman, **SS for SCS for SB 375** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators			
Bland	Caskey	Scott	Sims--4
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SS for SCS for SB 27, introduced by Senator Johnson, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 27

An Act to repeal sections 273.325, 273.327, 273.329, 273.342, 273.352, 273.357, 322.010, 578.012 and 578.023, RSMo 2000, relating to animals, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Johnson, **SS** for **SCS** for **SB 27** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Staples	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators			
Cauthorn	Childers	Klindt	Singleton
Steelman--5			
Absent--Senators			
Bentley	Schneider--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 387**; **SCS** for **SBs 42** and **108**; **HCS** for **HBs 205, 323** and **549**, with **SCS**; **HCS** for **HB 207**, with **SCA 1**; **SCS** for **HCS** for **HBs 302** and **38**; **HB 471**, with **SCS**; and **HCS** for **HB 567**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Kenney submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HB 70**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 70, Page 1, In the Title, Line 3, by striking "one new section" and insert in lieu thereof "four new sections"; and further amend said bill and page, section A, line 1, by striking "one new section" and inserting in lieu thereof "four new sections"; and further amend line 2, by striking "section 302.020" and insert in lieu thereof "sections 302.020, 1, 2 and 3"; and

Further amend said bill, page 2, section 302.020, line 35, by inserting after all of said line the following:

"Section 1. Upon the effective date of this section and upon renewal of any motorcycle or motortricycle license, the department of public safety shall mail a brochure to a person licensed to ride motorcycles and motortricycles regarding the benefits associated with wearing a helmet.

Section 2. The department of public safety shall establish a program to track the costs to the state associated with injuries sustained due to a person not wearing a motorcycle helmet.

Section 3. The department of public safety shall conduct a study of states which have repealed helmet laws and the difference in cost to the state both prior and after the change in helmet law."

HOUSE BILLS ON THIRD READING

Senator Westfall moved that **SCS** for **HCS** for **HBs 302** and **38**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Westfall, **SCS** for **HCS** for **HBs 302** and **38**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Bland--1			
Absent--Senators			
Goode	Russell--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Schneider--2		
Absent with leave--Senator Carter--1			

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SCS for **SB 387**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 387

An Act to amend chapter 393, RSMo, by adding thereto two new sections relating to allowing certain electrical corporations to recover certain costs, with an emergency clause.

Was taken up by Senator Goode.

On motion of Senator Goode, **SCS for SB 387** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	

NAYS--Senators--None

Absent--Senators

Bland Yeckel--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley Westfall--2

Absent with leave--Senator Carter--1

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SCS for SBs 42 and 108, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 42 and 108

An Act to repeal section 160.261, RSMo 2000, relating to public education, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Was taken up by Senator Kenney.

On motion of Senator Kenney, SCS for SBs 42 and 108 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Goode	Klarich	Russell--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--28
NAYS--Senator Singleton--1			
Absent--Senators			
Johnson	Klarich	Schneider	Westfall--4
Absent with leave--Senator Carter--1			

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 207, with SCA 1, entitled:

An Act to repeal sections 34.115 and 313.835, and to enact in lieu thereof two new sections relating to the veterans' commission capital improvement trust fund, with an emergency clause.

Was taken up by Senator Childers.

SCA 1 was taken up.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered SA 1:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 207, Page 3, Section 313.835, Line 44, by inserting immediately after the word "organization" the following: ", or **municipal government agency**".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 207, Page 3, Section 313.835, Line 51 of said page, by inserting at the end of said line the following:

"(f) For payment of Missouri national guard and Missouri veterans' commission expenses associated with providing medals, medallions and certificates in recognition of service in the armed forces of the United States during World War II pursuant to sections 42.170 to 42.190, RSMo. Any funds remaining from the medals, medallions and certificates shall be used to pay for the buglers at veteran burials; and

(g) Fund transfers totaling ten million dollars to any municipality with a population greater than three hundred fifty thousand inhabitants and located in part in a county with a population greater than six hundred thousand inhabitants and with a charter form of government, for the sole purpose of the construction, restoration, renovation and maintenance of a memorial or museum or both dedicated to World War I."

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Childers, **HCS** for **HB 207**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Dougherty	Loudon--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Dougherty	Loudon	Stoll--4
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Absent with leave--Senator Carter--1

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 80, with **SCS**, introduced by Representative Ross, entitled:

An Act to amend chapter 70, RSMo, relating to multijurisdictional antifraud enforcement, by adding thereto four new sections relating to the same subject.

Was taken up by Senator Kenney.

SCS for **HB 80**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 80

An Act to amend chapters 67 and 70, RSMo, by adding thereto twenty-four new sections relating to the law enforcement organization, with an emergency clause.

Was taken up.

Senator Kenney moved that **SCS** for **HB 80** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

"478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three.

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982.

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 80, Page 1, Section A, Line 5, by inserting after all of said line the following:

"32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family** based on a specific request for such information from any person. Any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo,** may notify the department of such status and the department shall protect the confidentiality of the records on such a person **and his or her immediate family** as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 **or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.";** and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by deleting all of said line and inserting in lieu thereof the following: "relating to law enforcement, with penalty provisions and an emergency clause."; and

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after said line the following:

"570.120. 1. A person commits the crime of passing a bad check when:

(1) With purpose to defraud, [he] **the person** makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or

(2) [He] **The person** makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in [his] **that** account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that

payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. The face amounts of any bad checks passed pursuant to one course of conduct within any ten-day period may be aggregated in determining the grade of the offense.

4. Passing bad checks is a class A misdemeanor, unless:

(1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars or more; or

(2) The issuer had no account with the drawee or if there was no such drawee at the time the check or order was issued, in which cases passing bad checks is a class D felony.

5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or circuit attorney who takes any action [under] **pursuant to** the provisions of this section shall collect from the issuer in such action an administrative handling cost. The cost shall be [five dollars for checks of less than ten dollars, ten dollars for checks of ten dollars but less than one hundred dollars, and twenty-five dollars for checks of one hundred dollars or more.] **twenty-five dollars for any bad check. For checks of one hundred dollars or more and additional fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative handling costs not to exceed one hundred dollars total.** Notwith-standing the provisions of sections 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that previously authorized in this section. Any revenues that are not required for the purposes of this section may be placed in the general revenue fund of the county or city not within a county.

(2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and witness preparation, additional employees for the staff of the prosecuting or circuit attorney and employees' salaries.

(3) This fund may be audited by the state auditor's office or the appropriate auditing agency.

(4) If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance shall be kept in said fund to accumulate from year to year.

6. Notwithstanding any other provisions of law to the contrary, in addition to the administrative handling costs provided for in subsection 5 of this section, the prosecuting attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face amount of the check, a reasonable service charge, which along with the face amount of the check shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney or circuit attorney does not collect the service charge and the face amount of the check, the party to whom the check was issued may collect from the issuer a reasonable service charge along with the face amount of the check.

7. In all cases where a prosecutor receives notice from the original holder that a person has violated this section with respect to a payroll check or order, the prosecutor, if he determines there is a violation of this section, shall file an information or seek an indictment within sixty days of such notice and may file an information or seek an indictment thereafter if the prosecutor has failed through neglect or mistake to do so within sixty days of such notice and if he determines there is sufficient evidence shall further prosecute such cases.

8. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator Kenney offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Bill No. 80, Page 3, Section 570.120, Line 3, by deleting the opening bracket on line 3 and the closing bracket on line 6. Also delete the new language on line 6. Further amend line 9, by deleting the words "one hundred" and insert in lieu thereof the word "**fifty**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

"650.450. 1. A death benefit of one hundred fifty thousand dollars for a public safety officer who dies in the line of duty, shall be paid in a lump sum to the following relative:

(a) To the surviving spouse;

(b) If there is no surviving spouse, to the surviving children to be shared equally;

(c) If there is no surviving spouse and there are no surviving children, to the parent or parents in equal shares.

2. A public safety officer for the purposes of this section is a firefighter, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer or highway patrolman employed by the state or Missouri or a political subdivision thereof or any volunteer firefighter serving a rural, volunteer or subscription fire department or organization.

3. As used in this section, "dies in the line of duty" refers to a death that occurs as a direct result of a personal injury or illness resulting from any action of a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or obligated by law, rule regulation or condition of employment or service to perform."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 80, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"43.153. 1. A "Highway Patrol Oversight Commission" is hereby created, which shall review and evaluate the

laws and general orders relating to public complaints, internal grievances and discipline of officers of the Missouri state highway patrol, review procedures to recruit and retain women and minority officers and troopers, and make recommendations on further action or legislative remedies, if any, to be taken as necessary.

2. The commission shall be composed of six members to serve until January 1, 2003, three of whom shall be appointed by the president pro tem of the senate and three of whom shall be appointed by the speaker of the house, including:

(1) A representative of a national organization that represents the interests of troopers;

(2) A POST-certified instructor;

(3) An attorney with experience with administrative law procedure and practice;

(4) A person with human resources experience in private industry or commerce;

(5) A member of the house of representatives; and

(6) A member of the senate.

3. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

4. The office of administration shall provide funding, administrative support, and staff for the effective operation of the commission.

5. The commission shall make a report to the governor and the general assembly by January 1, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Caskey offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by striking the words "the law enforcement organization" and inserting in lieu thereof the words "public safety"; and

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

"595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of

crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] **4.** The remaining funds collected under subsection 1 of this section **shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds** shall be subject to the following provisions:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[4.] **5.** The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.

[5.] **6.** The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected.

The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor under the following Missouri laws:

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to porn-ography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses.

Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation

fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and 9] **9 and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

650.300. As used in sections 650.300 to 650.310, the following terms shall mean:

- (1) "Catastrophic crime", a violation of section 569.070, RSMo;
- (2) "Office", the office for victims of crime;
- (3) "Private agency", a private agency as defined in section 595.010, RSMo;
- (4) "Public agency", a public agency as defined in section 595.010, RSMo;

(5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

650.310. 1. The office of victims of crime is hereby established within the department of public safety, for the purpose of promoting the fair and just treatment of victims of crime. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime the office shall, or upon the receipt of a specific request the office may, work closely with other state and local agencies to coordinate a response to meet the needs of any resulting victims of crime.

2. The office for victims of crime shall coordinate efforts with statewide coalitions or organizations that are involved in efforts to provide assistance to victims of crime and to reduce the incidence of domestic violence, sexual assault or other crime victimization. The office shall consult with such coalitions or organizations as to more efficient and effective coordination and delivery of services to victims of crime.

3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation and maintenance of any such system.

4. The department of public safety may promulgate administrative rules to implement this section, and any such rule that is wholly procedural and without fiscal impact shall be deemed to satisfy the requirements of section 536.016, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 80, Page 1, Section A, Line 5, by inserting after said line the following:

"57.020. Every sheriff shall, within fifteen days after he [receives the certificate of his election or appointment] or she is sworn into office, give bond to the state in a sum not less than five thousand dollars nor more than fifty thousand dollars, with sureties approved by the presiding judge of the circuit court, conditioned for the faithful discharge of his duties; which bond shall be filed in the office of the clerk of the circuit court of the county.

57.030. Should any sheriff be reelected, he shall give a new bond and security within fifteen days from [his election] the date that he or she is sworn into office; and should he fail to do so, his former sureties shall not be held liable for any business done by him after the fifteen days expire."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 8:**

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by adding:

"Section 1. Notwithstanding any law or rule, any peace officer involved in any procedure of 43.150 RSMo shall have

all final actions approved or disapproved by the Director, Department of Public Safety."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator House offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line;

"[85.011. Any law enforcement officer, other than an elected sheriff or deputy, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state, who is regularly employed for more than thirty hours per week, and who is employed by a law enforcement agency of this state or political subdivision of this state which employs more than fifteen law enforcement officers, shall be given upon written request a meeting within forty-eight hours of a dismissal, disciplinary demotion or suspension that results in a reduction or withholding of salary or compensatory time. The meeting shall be held before any individual or board as designated by the governing body. At any such meeting, the employing law enforcement agency shall at a minimum provide a brief statement, which may be oral, of the reason of the discharge, disciplinary demotion or suspension, and permit the law enforcement officer the opportunity to respond. The results from such meeting shall be reduced to writing. Any law enforcement agency that has substantially similar or greater procedures shall be deemed to be in compliance with this section. This section shall not apply to an officer serving in a probationary period or to the highest ranking officer of any law enforcement agency. Any law enforcement officer employed by the state shall not be subject to the provisions of this section.]

590.505. As used in sections 590.505 to 590.517, the following terms mean:

- (1) "Employing law enforcement agency" or "law enforcement agency", this state or political subdivision in this state that employs law enforcement officers certified as required by this chapter;**
- (2) "Hearing", any meeting conducted by a hearing grievance committee for the purpose of taking or adducing testimony or receiving other evidence in order to determine the facts regarding an occurrence which may lead to punitive action against a law enforcement officer;**
- (3) "Hearing or grievance committee", the committee as established by the written guidelines of the department's policy and procedures manual, which may include already established personnel boards;**
- (4) "Law enforcement officer" or "officer", any person who is regularly employed by an employing law enforcement agency and certified pursuant to this chapter, who possesses the duty and power of arrest for violation of the criminal laws of this state or for violation of orders or ordinances of this state or any political subdivision of this state. This term shall not include an officer serving in probationary status upon initial employment, highway patrol members, water patrol members, conservation agents, state park rangers, or an elected sheriff, elected marshal or appointed chief of police;**
- (5) "Punitive action", any disciplinary action, except a written or oral reprimand, taken against a law enforcement officer by the employing law enforcement agency, including but not limited to dismissal, demotion, suspension, reduction in salary, withholding of salary, or a disciplinary transfer.**

590.508. Any law enforcement officer who is the subject of punitive action shall at a minimum be furnished with a written statement and citations from the employing law enforcement agency's written and distributed policies and procedures for the reason of the punitive action. Upon receipt of the written reasons for the punitive action the law enforcement officer may, within five working days, request a hearing in writing. Such a hearing shall take place before any individual or board to be defined by the published and distributed ordinance,

administrative rule or regulation or written and distributed employing law enforcement agency policies and procedures. The employing law enforcement agency shall schedule the hearing no sooner than five days and no later than ten days after the written request was received from the law enforcement officer. At such hearings, all voting will be conducted by secret ballots. The results of such hearing shall be reduced to writing and distributed to all parties involved. Any law enforcement agency that has a published and distributed ordinance, administrative rule or regulation or written and distributed policies and procedures, which provides an officer who is subject to punitive action, written notification and citation of the reason for the punitive action and allows the officer to request to writing shall be deemed to be in compliance with this section.

590.511. 1. When any law enforcement officer is under investigation and subjected to interrogation by such officer's commanding officer, or any other member of the employing law enforcement agency, which could lead to punitive action, such interrogation shall be conducted under the following conditions:

(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer is on duty, or during such officer's normal working hours, unless the seriousness of the investigation requires otherwise. If such interrogation does occur during off-duty time of the law enforcement officer being interrogated at any place other than such officers' residence, such law enforcement officer shall be compensated for such off-duty time in accordance with regular department procedure. If the interrogation of the law enforcement officer occurs during such officer's regular duty hours, such officer shall not be released from employment for any work missed during the interrogation;

(2) Any law enforcement officer under investigation shall be informed of the nature of the investigation prior to any interrogation. Such officer shall also be informed of the name, rank and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation. No more than three interrogators at one time shall question the law enforcement officer under investigation;

(3) No law enforcement officer under interrogation shall be subjected to offensive language or threatened with punitive action. No promise of reward shall be made as an inducement to answering questions;

(4) The complete interrogation of any law enforcement officer shall be recorded, either written, taped or transcribed. Upon request of the law enforcement officer under investigation a copy of the record shall be made available to him not less than ten days prior to any hearing;

(5) Upon the filing of a formal written statement of charges or whenever an interrogation focuses on matters which are likely to result in punitive action against any law enforcement officer, that officer shall have the right to be represented by counsel who may be present at all times during such interrogation.

2. Nothing in this section shall prohibit the immediate temporary suspension, pending an investigation, from duty of any law enforcement officer who reports for duty under the influence of alcohol or controlled substances, or under the influence of an apparent mental or emotional disorder.

3. The provisions of this section shall not be applicable in the event any criminal charges have been filed against any law enforcement officer.

590.514. 1. If the investigation or inter-rogation of a law enforcement officer results in the recommendation of some punitive action, before taking such action the law enforcement agency shall give notice to the law enforcement officer that the officer is entitled to a hearing on the issues by a hearing or grievance committee.

2. Upon receipt of a written statement and citation from the employing law enforcement agency policy and procedure explaining the reason for the punitive action, the law enforcement officer may within five working days request a hearing before the established hearing or grievance committee. Both the law enforcement officer and the law enforcement agency shall be given ample opportunity to present evidence and argument with respect to the issues involved.

3. With respect to the subject of any investigation or hearing conducted pursuant to this section, the hearing or

grievance committee may subpoena witnesses and administer oaths or affirmations and examine any individual under oath, and may require and compel the production of records, books, papers, contracts, and other documents.

4. Any decision, order or action taken as a result of the hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each element in the case. A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action, shall be delivered or mailed by certified mail promptly to the law enforcement officer. The hearing or grievance committee may either agree with or disagree with the recommendation of the law enforcement agency, but shall in no case increase the punitive action recommended.

590.517. Sections 590.500 to 590.517 shall not apply to any political subdivision which has a review hearing for law enforcement disciplinary actions."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Kenney, Klarich and Klindt.

SA 9 was adopted by the following vote:

YEAS--Senators			
Caskey	DePasco	Dougherty	Goode
Gross	House	Jacob	Mathewson
Quick	Schneider	Scott	Singleton
Staples	Steelman	Stoll	Wiggins-- 16
NAYS--Senators			
Cauthorn	Childers	Foster	Gibbons
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Sims
Westfall	Yeckel-- 14		
Absent--Senators			
Bentley	Bland	Johnson-- 3	
Absent with leave--Senator Carter-- 1			

At the request of Senator Kenney, **HB 80**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

At the request of Senator Kenney, **HCS** for **HBs 144** and **46**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 762**, with **SCS**, entitled:

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to women's health services.

Was taken up by Senator Sims.

SCS for **HS** for **HCS** for **HB 762**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 762

An Act to repeal sections 208.151 and 376.1209, RSMo 2000, relating to women's health services, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **HS** for **HCS** for **HB 762** be adopted.

Senator Sims offered **SS** for **SCS** for **HS** for **HCS** for **HB 762**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 762

An Act to repeal sections 197.285, 208.151 and 376.1209, RSMo 2000, relating to women's health services, and to enact in lieu thereof four new sections relating to the same subject.

Senator Sims moved that **SS** for **SCS** for **HS** for **HCS** for **HB 762** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 20, Section 376.1209, Line 27, by inserting immediately after said line the following:

"Section 1. 1. There is hereby created within the office of the governor a "Child Custody Abuse and Neglect Commission" which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.

2. The child abuse and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a member of the clergy, a psychologist, a pediatrician, and educator, the chairman of the children's services commission, a division of family services designee, and three citizens of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.

3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.

4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.

6. This section shall expire on August 28, 2004."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Pages 15-19, Section 354.900, by striking said section from the bill and inserting in lieu thereof the following:

"376.1199. 1. Each health carrier or health benefit plan that offers or issues health benefit plans providing obstetrical/gynecological benefits, which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall:

(1) Notwithstanding the provisions of subsection 4 of section 354.618, RSMo, provide enrollees with direct access to the services of a participating obstetrician, participating gynecologist or participating obstetrician/gynecologist of her choice within the provider network for covered services. The services covered by this subdivision shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician, gynecologist or obstetrician/gynecologist, including but not limited to diagnosis, treatment and referral for such services. A health carrier shall not impose additional copayments, coinsurance, or deductibles upon any enrollee who seeks or receives health care services pursuant to this subdivision, unless similar additional copayments, coinsurance, or deductibles are imposed for other types of health care services received within the provider network. Nothing in this subsection shall be construed to require a health carrier to perform, induce, pay for, reimburse, guarantee, arrange, provide any resources for or refer a patient for an abortion, as defined in section 188.015, RSMo, other than a spontaneous abortion or to prevent the death of the female upon whom the abortion is performed, or to supersede or conflict with section 376.805;

(2) Notify enrollees annually of cancer screenings covered by the enrollees' health benefit plan and the current American Cancer Society guidelines for all cancer screenings or notify enrollees at intervals consistent with current American Cancer Society guidelines of cancer screenings which are covered by the enrollees' health benefit plans. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification;

(3) Include coverage for services related to diagnosis, treatment and appropriate management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically indicated for such individual. In determining whether testing or treatment is medically appropriate, due consideration shall be given to peer reviewed medical literature. A policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services; and

(4) If a health benefit plan provides coverage for pharmaceutical benefits, provide coverage for contraceptives either at no charge or at the same level of deductible, coinsurance or copayment as any other covered drug. No such deductible, coinsurance or copayment shall be greater than any drug on the health benefit plan's formulary. As used in this section, "contraceptive" shall include all prescription drugs and devices approved by the federal Food and Drug Administration for use as a contraceptive, but shall exclude all drugs and devices that are intended to induce an abortion, as defined in section 188.015, RSMo, which shall be subject to the provisions of section 376.805. Nothing in this subdivision shall be construed to exclude coverage for prescription contraceptive drugs or devices ordered by a health care provider with prescriptive authority for reasons other than contraceptive or abortion purposes.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

4. Notwithstanding the provisions of subdivision (4) of subsection 1 of this section to the contrary:

(1) Any health carrier may issue to any person or entity purchasing a health benefit plan, a health benefit plan that excludes coverage for contraceptives if the use or provision of such contraceptives is contrary to the moral, ethical or religious beliefs or tenets of such person or entity;

(2) Upon request of an enrollee who is a member of a group health benefit plan and who states that the use or provision of contraceptives is contrary to his or her moral, ethical or religious beliefs, any health carrier shall issue to or on behalf of such enrollee:

(a) A health benefit plan that excludes coverage for contraceptives; or

(b) A rider to the health benefit plan that excludes coverage for contraceptives.

Any administrative costs to a group health benefit plan associated with such exclusion of coverage not offset by the decreased costs of providing coverage shall be borne by the group policyholder or group plan holder;

(3) Any health carrier which is owned, operated or controlled in substantial part by an entity that is operated pursuant to moral, ethical or religious tenets that are contrary to the use or provision of contraceptives shall be exempt from the provisions of subdivision (4) of subsection 1 of this section.

5. Except for a health carrier that is exempted from providing coverage for contraceptives pursuant to this section, a health carrier shall allow enrollees in a health benefit plan that excludes coverage for contraceptives pursuant to subsection 4 of this section to purchase a rider to the health benefit plan that includes coverage for contraceptives.

6. Any health benefit plan issued by a health carrier described in subdivision (3) of subsection 4 of this section and any group health benefit plan issued pursuant to subsection 1 of this section shall provide clear and conspicuous written notice on the enrollment form or any accompanying materials to the enrollment form and the group health benefit plan contract:

(1) Whether coverage for contraceptives is or is not included;

(2) That an enrollee who is a member of a group health benefit plan with coverage for contraceptives has the right to exclude coverage for contraceptives if such coverage is contrary to his or her moral, ethical or religious beliefs; and

(3) That an enrollee who is a member of a group health benefit plan without coverage for contraceptives has the right to purchase a rider that includes coverage for contraceptives.

7. Health carriers shall not disclose to the person or entity who purchased the health benefit plan the names of enrollees who exclude coverage for contraceptives in the health benefit plan or who purchase a rider to the health benefit plan that includes coverage for contraceptives. Health carriers and the person or entity who purchased the health benefit plan shall not discriminate against an enrollee because the enrollee excluded coverage for contraceptives in the health benefit plan or purchased a rider to the health benefit plan that includes coverage for contraceptives.

8. The department of insurance may promulgate rules necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been

promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Loudon offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 2, Section 376.1199, Line 29, by deleting all of the words after "(4)"; and further amend said section, page 3, by deleting lines 1-4 and further amend said section, line 5, by deleting the words "drug on the health benefit plan's formulary."; and

Further amend said section, page 4, line 5, by adding after the word "plan" the following: "that offers contraceptive coverage"; and

Further amend said section, page 5, lines 12-14, by deleting all of said lines.

Senator Loudon moved that the above amendment be adopted.

Senator Klarich assumed the Chair.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1** to **SA 2**. He was joined in his request by Senators Bentley, Cauthorn, Childers and Quick.

SA 1 to **SA 2** failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Childers	Kenney	Kinder
Klindt	Loudon	Rohrbach	Westfall--8
NAYS--Senators			
Bentley	Bland	Caskey	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Klarich	Mathewson	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--25			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

SA 2 was again taken up.

At the request of Senator Sims, **HS** for **HCS** for **HB 762**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted and third read **HCR 12.**

HOUSE CONCURRENT RESOLUTION NO. 12

WHEREAS, the recent dramatic increase in utility rates for utility companies providing heating fuels has had a devastating financial affect on many middle and low income Missourians who cannot afford to pay utility bills which have more than doubled in recent months; and

WHEREAS, many Missourians on fixed and limited incomes may be forced to eliminate other essential purchases, such as food and medicines, from their limited budgets in order to pay the exorbitant utility bills; and

WHEREAS, due to the extraordinary circumstances in which Missourians find themselves, members of Congress should consider taking extraordinary steps to protect the interests of all of the people of the United States:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby request that the United States Congress consider establishing a strong remedial federal energy policy that delegates emergency powers to individual states; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 14.**

HOUSE CONCURRENT RESOLUTION NO.14

WHEREAS, the Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives of the 106th Congress, including the entire Missouri delegation to the United States House of Representatives; and

WHEREAS, more than 83 United States Senators, including both Missouri Senator Kit Bond and then Missouri Senator John Ashcroft, signed letters of support for this legislation in 2000; and

WHEREAS, the bill now before the 107th Congress modernizes the Railroad Retirement System for its 690,000 beneficiaries nationwide, including over 23,100 in Missouri; and

WHEREAS, railroad management, labor and retiree organizations have agreed to support this legislation; and

WHEREAS, this legislation provides tax relief to freight railroads, Amtrak and commuter lines; and

WHEREAS, this legislation provides benefit improvements for surviving spouses of rail workers, who currently suffer deep cuts in income when the rail retiree dies; and

WHEREAS, no outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

WHEREAS, all changes will be paid for from within the railroad industry, including a full share of active employees:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Congress to support the Railroad Retirement and Survivors Improvement Act introduced in the 107th Congress; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 22**.

HOUSE CONCURRENT RESOLUTION NO. 22

WHEREAS, in 1955, the Missouri Brucellosis Control and Eradication Law, sections 267.470 to 267.550, RSMo, was enacted by the Missouri General Assembly to suppress, control and eradicate bovine brucellosis in this state; and

WHEREAS, as part of the state's attempt to suppress, control and eradicate bovine brucellosis in this state, a certification process was established which included the herd designation of a "certified brucellosis free herd"; and

WHEREAS, more than forty-five years after the passage of the Missouri Brucellosis Control and Eradication Law, not every herd of cattle in the state of Missouri has attained the designation of a certified brucellosis free herd; and

WHEREAS, all cattle eight months of age or over must pass a negative test for brucellosis within thirty days of the transportation of such cattle within or outside the state; and

WHEREAS, the economic progress of the cattle industry in this state depends on the ability of cattle producers to buy, sell and exchange cattle both intrastate and interstate; and

WHEREAS, the department of agriculture should be aggressive in the use and utilization of the resources available to the department to reach a brucellosis free status for the entire state, without requiring new vaccinations:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby direct the department of agriculture to be more aggressive in its attempts to suppress, control and eradicate bovine brucellosis in this state and reach a statewide brucellosis free status; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the director of the department of agriculture.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 279**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to supplemental newborn screening.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 23**.

HOUSE CONCURRENT RESOLUTION NO. 23

WHEREAS, the Windfall Elimination Provision or WEP was added to the federal Social Security Act in 1983 to prevent unfairly inflated benefits for persons who held highly compensated government positions that were not covered by Social Security and who also had brief, relatively low-paying Social Security covered employment; and

WHEREAS, the WEP has had the unintended consequence of undermining the retirement plans of individuals who have been teachers and who often continue to hold Social Security covered employment during summers and holidays; and

WHEREAS, Missouri and other states are anticipating an increased rate of teacher retirement and difficulty attracting young adults into the education field; and

WHEREAS, the WEP also serves to discourage mid-life career changes from Social Security covered employment to employment covered by public pensions such as teaching; and

WHEREAS, the WEP often works in conjunction with another income-reducing feature, the government pension offset (GPO) that bears disproportionately on women, to doubly affect the teacher corps which is still primarily made up of women; and

WHEREAS, the formula of the WEP assumes retirees have had a higher-paying position over the entire course of their careers, an assumption which is contrary to the fact for teachers; and

WHEREAS, many teachers need a second income and therefore work in Social Security covered positions, thereby activating the WEP; and

WHEREAS, the continuation of the WEP and GPO impacts presently retired teachers, teachers near retirement, and young adults entering the education field, all who are essential parts of our national education corps:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the 107th Congress to:

(1) Either simply rescind the Windfall Elimination Provision or amend it so that it does not bear disproportionately upon teachers and others who have modest salaries earned in non-Social Security-covered service; and

(2) Amend the government pension offset so that it will not bear disproportionately upon teachers and others whose government pensions are based on modest salaries; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Kinder referred **HS** for **HCS** for **HBs 328** and **88** to the Committee on State Budget Control.

President Pro Tem Kinder referred **SCR 33** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Yeckel moved that the Senate request the House to return **SS** for **SCS** for **SBs 476, 427** and **62** to the Senate for correction and re-passage, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 267**, entitled:

An act to repeal sections 43.503, 56.085, 56.765, 67.133, 194.115, 196.790, 426.220, 426.230, 429.360, 455.040, 476.010, 479.020, 479.150, 482.330, 483.500, 488.426, 488.429, 488.445, 488.447, 488.607, 488.5332, 488.5336, 490.130, 491.300, 494.455, 512.180, 534.070, 534.350, 534.360, 534.380, 535.030, 535.110, 541.020, 565.030, 610.105, 632.480, 632.483, 632.492 and 632.495, RSMo 2000, relating to court procedures, and to enact in lieu thereof forty-eight new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

With House Amendments Nos. 1, 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendments Nos. 6, 7, 8, 9, House Substitute Amendment No. 1 for House Amendment No. 10, House Amendments Nos. 11, 12, 13, 14, 15 and 16.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 4, Page 63, Lines 11-12, by deleting "**that has neighborhood courts and the city is**"; and

Further amend said section, Page 63, Line 13, by deleting all of said line and inserting in lieu thereof the following:

"additional court costs in an amount up to twenty dollars per"; and

Further amend said substitute, Section 5, Page 63, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"provide for additional court costs in an amount up to".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 1, Page 60, Lines 8-11, by deleting said section from the substitute; and,

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 196.790, Pages 13-14, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 426.220, Page 14, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 426.230, Pages 14-15, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 429.360, Page 15, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 512.180, Page 37, Lines 7-8, by deleting "**is not filed pursuant to chapter 517, RSMo, and**"; and

Further amend said section, Page 37, Line 9, by inserting brackets "[]" around "five" and inserting "**three**" before the word "thousand"; and

Further amend said House Substitute, Section 534.350, Page 38, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 534.360, Page 38, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 534.380, Pages 38-39, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 535.030, Page 39, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 535.110, Page 42, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 541.020, Page 42, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section 2, Page 60, by deleting all of said section from the substitute; and

Further amend said House Substitute, Section B, Page 64, by deleting all of said section from the substitute; and

Amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 56.765, Page 10, Line 11, by inserting the following after all of said line:

"57.130. 1. The sheriffs of the several counties shall collect and account for all the fines, penalties, forfeitures and other sums of money, by whatever name designated, accruing to the state or any county by virtue of any order, judgment or decree of a court of record, provided that by court rule provision may be made for a court clerk to collect fines, penalties, forfeitures and other sums of money accruing to the state by virtue of any order, judgment or decree of the court.

2. The provisions of this section shall expire and be of no force and effect on and after July 1, [2002.] **2007.**"; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 34, Section 491.300, Line 4, by inserting after all of said line the following:

"494.425. The following persons shall be disqualified from serving as a petit or grand juror:

- (1) Any person who is less than [twenty-one] **eighteen** years of age;
- (2) Any person not a citizen of the United States;
- (3) Any person not a resident of the county or city not within a county served by the court issuing the summons;
- (4) Any person who has been convicted of a felony, unless such person has been restored to [his] **such person's** civil rights;
- (5) Any person unable to read, speak and understand the English language;
- (6) Any person on active duty in the armed forces of the United States or any member of the organized militia on active duty under order of the governor;
- (7) Any licensed attorney at law;
- (8) Any judge of a court of record;
- (9) Any person who, in the judgment of the court or the board of jury commissioners, is incapable of performing the duties of a juror because of mental or physical illness or infirmity.

494.430. Upon timely application to the court, the following persons shall be excused from service as a petit or grand juror:

- (1) Any person actually performing the duties of a clergyman;
- (2) Any person who has served on a state or federal petit or grand jury within the preceding year;

(3) Any person whose absence from [his] **such person's** regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest;

(4) Any person upon whom service as a juror would in the judgment of the court impose an extreme hardship;

(5) Any person licensed to engage in and actively engaged in the practice of medicine, osteopathy, chiropractic, dentistry or pharmacy[.];"; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, section 494.455, Page 34, Line 5, by deleting all of said line after "**1.**"; and

Further amend said section, Page 34, Lines 6-8, by deleting all of said lines; and

Further amend said section, Page 34, Line 9, by deleting "**2.**"; and

Further amend said section, Page 35, Line 5, by inserting "**2.**" before the word "The"; and

Further amend said section, Page 36, Line 9, by inserting the following at the end of said line:

"3. The governing body of each county or a city not within a county may authorize daily compensation and mileage allowance for jurors in any amount such governing body deems reasonable, which shall be paid from the funds of the county or city not within a county."; and

Further amend said section, Page 36, Lines 10-18, by deleting all of said lines; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 42, Section 535.110, Line 12, by inserting after all of said line the following:

"536.160. In the event a reviewing court reverses a decision of a state agency, remands the matter to the agency for further proceedings and orders the payment into court of any increase in funds authorized by said decision, and thereafter, on remand, the state agency reaches the same result, reaffirms or ratifies its prior decision, then the entity which paid such funds into court shall be entitled to a refund of such funds, including all interest accrued thereon. This provision is enacted in part to clarify and specify the law in existence prior to August 28, 2001."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Pages 50-52, Section 610.040, by striking all of said section.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 565.030, Page 50, Line 7, by inserting the following after all of said line:

"595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty

dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred for medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars. [Fifty dollars shall be deducted from any award granted under sections 595.010 to 595.075, except that an award to a person sixty-five years of age or older is not subject to any deduction.]

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:

(1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in the state in which the service is provided;

(2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice psychology in the state in which the service is provided;

(3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

(4) Professional counselor licensed pursuant to chapter 337, RSMo.

5. Any compensation paid [under] **pursuant to** sections 595.010 to 595.075 for death or personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or support from gainful employment, not to exceed two hundred dollars per week, resulting from such injury or death. In the event of death of the victim, an award may be made for reasonable and necessary expenses actually incurred for preparation and burial not to exceed five thousand dollars.

6. Any compensation for loss of earnings or support from gainful employment shall be in an amount equal to the actual loss sustained not to exceed two hundred dollars per week; provided, however, that no award [under] **pursuant to** sections 595.010 to 595.075 shall exceed [fifteen] **twenty-five** thousand dollars. If two or more persons are entitled to compensation as a result of the death of a person which is the direct result of a crime or in the case of a sexual assault, the compensation shall be apportioned by the division of workers' compensation among the claimants in proportion to their loss.

7. The method and timing of the payment of any compensation [under] **pursuant to** sections 595.010 to 595.075 shall be determined by the division.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant to sections 595.010 to 595.075, the division of workers' compensation shall, insofar as practicable, formulate standards for the uniform application of sections 595.010 to 595.075, taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts of compensation payable for injuries and death [under] **pursuant to** other laws of this state and of the United States, excluding pain and suffering, and the availability of funds appropriated for the purpose of sections 595.010 to 595.075. All decisions of the division of workers' compensation on claims heard [under] **pursuant to**

sections 595.010 to 595.075 shall be in writing, setting forth the name of the claimant, the amount of compensation and the reasons for the decision. The division of workers' compensation shall immediately notify the claimant in writing of the decision and shall forward to the state treasurer a certified copy of the decision and a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay to or on behalf of the claimant the amount determined by the division.

2. The crime victims' compensation fund is not a state health program and is not intended to be used as a primary payor to other health care assistance programs, but is a public, quasi-charitable fund whose fundamental purpose is to assist victims of violent crimes through a period of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards received or to be received as a result of the injury or death:

(1) From or on behalf of the offender;

(2) Under private or public insurance programs, including champus, medicare, medicaid and other state or federal programs, **but not including any life insurance proceeds**; or

(3) From any other public or private funds, including an award payable [under] **pursuant to** the workers' compensation laws of this state.

3. In determining the amount of compensation payable, the division of workers' compensation shall determine whether, because of the victim's consent, provocation, incitement or negligence, the victim contributed to the infliction of the victim's injury or death, and shall reduce the amount of the compensation or deny the claim altogether, in accordance with such determination; provided, however, that the division of workers' compensation may disregard the responsibility of the victim for his **or her** own injury where such responsibility was attributable to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his **or her** presence, or to apprehend a person who had committed a crime in his **or her** presence or had in fact committed a felony.

4. In determining the amount of compensation payable pursuant to sections 595.010 to 595.070, monthly social security disability or retirement benefits received by the victim shall not be considered by the division as a factor for reduction of benefits.

5. The division shall not be liable for payment of compensation for any out-of-pocket expenses incurred more than three years following the date of the occurrence of the crime upon which the claim is based."; and

Amend the title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 60, Section 3, Line 18, by adding after the word "annexed" the words "or acquired."

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 14, Section 196.790, Line 8, by adding after said line the following:

"386.515. Prior to August 28, 2001, in proceedings before the Missouri Public Service Commission, consistent with the decision of the Supreme Court of Missouri **State ex rel. Anderson Motor Service Co., Inc. v. Public Service Commission**, 97 S.W. 2d 116 (Mo. banc 1936) the review procedure provided for in Section 386.510 is exclusive to any other procedure. An application for rehearing is required to be served on all parties and is a prerequisite to the filing of an application for writ of review. The application for rehearing puts the parties to the proceeding before the

Commission on notice that a writ of review can follow and any such review may proceed without formal notification or summons to said parties. On and after August 28, 2001, the review procedure provided for in Section 386.510 continues to be exclusive except that a copy of any such writ of review shall be provided to each party to the proceeding before the Commission, or his attorney of record, by hand delivery or by registered mail, and proof of such delivery or mailing shall be filed in the case as provided by Section 536.110.2."

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Section 455.040, Page 18, Line 3, by inserting the following after all of said line:

"473.767. 1. In counties operating under fee retention, the public administrator shall before the first court day after the expiration of one year after their successor in office has qualified, file a final settlement as required by section 473.540 for all estates in their charge as public administrator in which final settlement can be made. On the first court day after the expiration of one year after the election of a successor to the public administrator, the judge of the probate division, upon the judge's own motion, shall order the public administrator to account for and deliver all money, property, or papers belonging to all estates in his or her hands in which final settlement cannot be made, to the successor in office, or to the heirs of any estate, or to any executor or administrator regularly appointed, and such accounting and delivery shall be accomplished during the sixty days next thereafter.

2. In counties where the public administrator is paid a salary, the public administrator shall deliver property and make necessary filings as required in this section prior to leaving his or her term of office.

[3. Notwithstanding the provisions of subsection 1 of this section, the former public administrator or their legal representative, upon approval and order of the judge of the probate division of the circuit court having jurisdiction over the estates in which the former public administrator has been appointed personal representative, guardian or conservator, shall turn over the administration of the estates to the successor public administrator. A copy of the annual account of each estate in part covering the term of the former public administrator shall be filed with the probate division by the successor public administrator and the successor public administrator shall be charged with the assets and liabilities shown thereby.]; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 27, Section 488.429, Lines 5-7, by striking the phrase "and for the acquisition of necessary equipment and maintenance of court facilities approved by order of the judges of the circuit court, en banc;"

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 50, Section 565.030, Line 7, by inserting after all of said line the following:

"595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

2. Notwithstanding any other provision of law to the contrary, the moneys collected by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed in accordance with sections 488.010 to

488.020, RSMo, and shall be payable to the director of the department of revenue.

3. The director of revenue shall deposit annually the amount of two hundred fifty thousand dollars to the state forensic laboratory account administered by the department of public safety to provide financial assistance to defray expenses of crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement Agency or the Missouri department of health. Subject to appropriations made therefor, such funds shall be distributed by the department of public safety to the crime laboratories serving the courts of this state making analysis of a controlled substance or analysis of blood, breath or urine in relation to a court proceeding.

[3.] **4. The remaining funds collected under subsection 1 of this section shall be denoted to the payment of an annual appropriation for the administrative and operational costs of the office for victims of crime and, if a statewide automated crime victim notification system is established pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred in the operation of such system. Additional remaining funds shall be subject to the following provisions:**

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[4.] **5. The director of revenue or such director's designee shall at least monthly report the moneys paid pursuant to this section into the crime victims' compensation fund and the services to victims fund to the division of workers' compensation and the department of public safety, respectively.**

[5.] **6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo. Five percent of such moneys shall be payable to the city treasury of the city from which such funds were collected. The remaining ninety-five percent of such moneys shall be payable to the director of revenue. The funds received by the director of revenue pursuant to this subsection shall be distributed as follows:**

(1) On the first of every month, the director of revenue or the director's designee shall determine the balance of the funds in the crime victims' compensation fund available to satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055;

(2) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available exceeds one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the director of revenue or the director's designee shall deposit fifty percent to the credit of the crime victims' compensation fund and fifty percent to the services to victims' fund established in section 595.100;

(3) Beginning on October 1, 1996, and on the first of each month, if the balance of the funds available is less than one million dollars plus one hundred percent of the previous twelve months' actual expenditures, excluding the immediate past calendar month's expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and

595.055, then the director of revenue or the director's designee shall deposit seventy-five percent to the credit of the crime victims' compensation fund and twenty-five percent to the services to victims' fund established in section 595.100.

[6.] **7.** These funds shall be subject to a biennial audit by the Missouri state auditor. Such audit shall include all records associated with crime victims' compensation funds collected, held or disbursed by any state agency.

[7.] **8.** In addition to the moneys collected pursuant to subsection 1 of this section, the court shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any misdemeanor under the following Missouri laws:

- (1) Chapter 195, RSMo, relating to drug regulations;
- (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed by persons not duly licensed by the supervisor of liquor control;
- (3) Chapter 491, RSMo, relating to witnesses;
- (4) Chapter 565, RSMo, relating to offenses against the person;
- (5) Chapter 566, RSMo, relating to sexual offenses;
- (6) Chapter 567, RSMo, relating to prostitution;
- (7) Chapter 568, RSMo, relating to offenses against the family;
- (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- (9) Chapter 570, RSMo, relating to stealing and related offenses;
- (10) Chapter 571, RSMo, relating to weapons offenses;
- (11) Chapter 572, RSMo, relating to gambling;
- (12) Chapter 573, RSMo, relating to pornography and related offenses;
- (13) Chapter 574, RSMo, relating to offenses against public order;
- (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- (15) Chapter 577, RSMo, relating to public safety offenses.

Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse such crime victims' compensation judgments in the manner provided by sections 488.010 to 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of the crime victims' compensation fund.

[8.] **9.** The clerk of the court processing such funds shall maintain records of all dispositions described in subsection 1 of this section and all dispositions where a judgment has been entered against a defendant in favor of the state of Missouri in accordance with this section; all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion of a judgment entered but not collected. These records shall be subject to audit by the state auditor. The clerk of each court transmitting such funds shall report separately the amount of dollars collected on judgments entered for alcohol-related traffic offenses from other crime victims' compensation collections or services to victims collections.

[9.] **10.** The clerks of the court shall report all delinquent payments to the department of revenue by October first of

each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and 9] **9 and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections shall have the authority to pay into the crime victims' compensation fund from an offender's compensation or account the amount owed by the offender to the crime victims' compensation fund, provided that the offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the department of corrections.

[15.] **16.** All interest earned as a result of investing funds in the crime victims' compensation fund shall be paid into the crime victims' compensation fund and not into the general revenue of this state.

[16.] **17.** Any person who knowingly makes a fraudulent claim or false statement in connection with any claim hereunder is guilty of a class A misdemeanor.

[17.] **18.** Any gifts, contributions, grants or federal funds specifically given to the division for the benefit of victims of crime shall be credited to the crime victims' compensation fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal crime victims' compensation laws, rules, regulations or other applicable federal guidelines."; and

Further amend said bill, Page 60, Section 634.495, Line 7, by inserting after all of said line the following:

"650.300. As used in sections 650.300 to 650.310, the following terms shall mean:

(1) "Catastrophic crime", a violation of section 569.070, RSMo;

- (2) "Office", the office for victims of crime;
- (3) "Private agency", a private agency as defined in section 595.010, RSMo;
- (4) "Public agency", a public agency as defined in section 595.010, RSMo;
- (5) "Victim of crime", a person afforded rights as a victim or entitled to compensation or services as a victim pursuant to chapter 595, RSMo.

650.310.1. The office of victims of crime is hereby established within the department of public safety, for the purpose of promoting the fair and just treatment of victims of crime. The office shall coordinate and promote the state's program for victims of crime and shall provide channels of communication among public and private agencies and in exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the Missouri Constitution. In the event of a catastrophic crime the office shall, or upon the receipt of a specific request the office may, work closely with other state and local agencies to coordinate a response to meet the needs of any resulting victims of crime.

2. The office for victims of crime shall coordinate efforts with statewide coalitions or organizations that are involved in efforts to provide assistance to victims of crime and to reduce the incidence of domestic violence, sexual assault or other crime victimization. The office shall consult with such coalitions or organizations as to more efficient and effective coordination and delivery of services to victims of crime.

3. The office for victims of crime shall assess and report to the governor the costs and benefits of establishing a statewide automated crime victim notification system within the criminal justice system and shall serve as the coordinating agency for the development, implementation and maintenance of any such system.

4. The department of public safety may promulgate administrative rules to implement this section, and any such rule that is wholly procedural and without fiscal impact shall be deemed to satisfy the requirements of section 536.016, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 11, Section 67.133, Line 9, by inserting after all of said line the following:

"193.185. 1. A report of each marriage performed in this state shall be filed with the department and shall be registered if it has been completed and filed in accordance with this section.

2. The official who issues the marriage license shall prepare the report on the form prescribed and furnished by the state registrar upon the basis of information obtained from one of the parties to be married.

3. Each person who performs a marriage shall certify the fact of marriage and return the license to the official who issued the license within [ten] **fifteen** days after the ceremony. This license shall be signed by the witnesses to the ceremony. A marriage certificate shall be given to the parties.

4. Every official issuing marriage licenses shall complete and forward to the department on or before the fifteenth day of each calendar month the reports of marriages returned to such official during the preceding calendar month."; and

Further amend said bill, Page 15, Line 15, by inserting after said line the following:

"451.080. 1. The recorders of the several counties of this state, and the recorder of the city of St. Louis, shall, when applied to by any person legally entitled to a marriage license, issue the same which may be in the following form:
State of Missouri)

) ss.

) County of)

This license authorizes any judge, associate circuit judge, licensed or ordained preacher of the gospel, or other person authorized under the laws of this state, to solemnize marriage between A B of, county of and state of, who is the age of eighteen years, and C D of, in the county of, state of, who is the age of eighteen years.

2. If the man is under eighteen or the woman under eighteen, add the following:

The custodial parent or guardian, as the case may be, of the said A B or C D (A B or C D, as the case may require), has given his or her assent to the said marriage.

Witness my hand as recorder, with the seal of office hereto affixed, at my office, in, the day of, [19] **20**..., recorder.

3. On which such license the person solemnizing the marriage shall, within [ninety] **fifteen** days after the issuing thereof, make as near as may be the following return, and return such license to the officer issuing the same: State of Missouri)

) ss.

) County of)

This is to certify that the undersigned did at, in said county, on the day of A. D. [19] **20**..., unite in marriage the above-named persons.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, **provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number.** The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. Upon the expiration of three days after the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, without waiting three days, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

451.130. 1. If any recorder willfully neglect or refuse to issue a license to any person legally entitled thereto on

application, on payment or tender of the fee provided for in section 451.150, or shall fail to refuse to record such license, with the return thereon, as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than one hundred dollars.

2. Every officer or person who shall fail to return a license within [ninety] **fifteen** days after the ceremony, or who shall make a false return thereon, or any recorder who shall willfully make a false record of any marriage license or return thereon, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as provided in the preceding part of this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 14, Section 196.790, Line 8, by inserting after all of said line the following:

"374.695. No court in this state shall approve any bail bondsman or bail bond agent unless licensed pursuant to sections 374.698 to 374.775.

[374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

- (1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;
- (2) "Department", the department of insurance of the state of Missouri;
- (3) "Director", the director of the department of insurance;
- (4) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;
- (5) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;
- (6) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.]

374.700. For the purposes of sections 374.700 to 374.775, the following terms mean:

- (1) **"Admission to bail", an order from a competent court that the defendant be discharged from actual custody on bail and fixing the amount of the bail;**
- (2) **"Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed pursuant to the provisions of sections 374.700 to 374.775, is employed by or is working under the authority of a licensed general bail bond agent;**
- (3) **"Bail bond or appearance bond", a bond for a specified monetary amount which is executed by the defendant and a qualified licensee pursuant to sections 374.700 to 374.775 and which is issued to a court or authorized officer as security for the subsequent court appearance of the defendant upon the defendant's release from actual custody pending the appearance;**
- (4) **"Department", the department of insurance of the state of Missouri;**

- (5) "General bail bond agent", a surety agent or a property bail bondsman who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his or her working time to the bail bond business in this state;
- (6) "Insurer", any surety insurance company which is qualified by the department to transact surety business in Missouri;
- (7) "Licensee", a bail bond agent or a general bail bond agent;
- (8) "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;
- (9) "Surety", a bail bond agent acting through a general bail bond agent, or a resident of the state and an owner of visible property, over and above that exempt from execution to the value of the sum in which bail is required which shall be worth that amount after the payment of debts and liabilities;
- (10) "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor;
- (11) "Taking of bail" or "take bail", the acceptance by a person authorized to take bail of the undertaking of a sufficient surety for the appearance of the defendant according to the terms of the undertaking or that the surety will pay to the court the sum specified. Taking of bail or take bail does not include the fixing of the amount of bail and no person other than a competent court shall fix the amount of bail.

374.702. 1. No person shall engage in the bail bond business without being licensed as provided in sections 374.700 to 374.775.

2. No judge, attorney, court official, law enforcement officer, state, county or municipal employee, who is either elected or appointed, shall be licensed as a bail bond agent or a general bail bond agent.

3. A bail bond agent shall not execute or issue an appearance bond in this state without holding a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer. A person licensed as a bail bond agent shall hold the license for at least two years prior to owning or being an officer of a licensed general bail bond agent.

4. A general bail bond agent shall not engage in the bail bond business:

(1) Without having been licensed as a general bail bond agent pursuant to sections 374.700 to 374.775;

(2) Except through an agent licensed as a bail bond agent pursuant to sections 374.700 to 374.775.

5. A general bail bond agent shall not permit any unlicensed person to solicit or engage in the bail bond business in the general bail bond agent's behalf, except for individuals who are employed solely for the performance of clerical, stenographic, investigative or other administrative duties which do not require a license pursuant to sections 374.700 to 374.775.

6. Any person who is convicted of a provision of this section is guilty of a class A misdemeanor. For any subsequent convictions, a person who is convicted of a provision of this section is guilty of a class D felony.

374.704. 1. Every applicant for a bail bond agent license or a general bail bond agent license shall apply on forms furnished by the department.

2. The application of a bail bond agent shall be accompanied by a duly executed general power of attorney issued by the general bail bond agent or insurer for whom the bail bond agent will be acting. Upon issuance of the license, a bail bond agent shall not issue an appearance bond exceeding the monetary amount for each recognizance which is specified in and authorized by the general power of attorney filed with the department until the department receives a duly executed qualifying power of attorney from the general bail bond agent or insurer evidencing or authorizing increased monetary limits or amounts for the recognizance.

3. An application for a general bail bond agent license shall be accompanied by proof that the applicant is a Missouri partnership, firm or corporation, or an individual who is a resident of the state. A corporation shall file proof that its most recent annual franchise tax has been paid to the department of revenue as provided in chapter 147, RSMo.

4. No license shall be granted without a showing that the applicant or applicant's insurer has proof of a three hundred thousand dollar bond or liability policy insuring against any damage to persons or property caused by the applicant.

374.715. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant, or, if the applicant is a corporation or partnership, that each officer or partner thereof has completed at least two years as a bail bond agent, as defined in sections 374.700 to 374.775, and that the applicant possesses liquid assets [of at least ten thousand dollars] **according to the following schedule**, along with a duly executed assignment [of ten thousand dollars] to the state of Missouri[, which] **in the same amount:**

- (1) If the general bail bond agent employs three or less bail bond agents, at least fifteen thousand dollars;**
- (2) If the general bail bond agent employs four to ten bail bond agents, at least twenty-five thousand dollars;**
- (3) If the general bail bond agent employs eleven to fifteen bail bond agents, at least forty-five thousand dollars;**
- (4) If the general bail bond agent employs sixteen to twenty bail bond agents, at least sixty-five thousand dollars;**
- (5) If the general bail bond agent employs twenty-one to twenty-five bail bond agents, at least eighty-five thousand dollars;**
- (6) If the general bail bond agent employs twenty-six to fifty bail bond agents, at least one hundred thousand dollars;**
- (7) If the general bail bond agent employs over fifty bail bond agents, at least two hundred thousand dollars; provided, that all bail bonds or appearance bonds written by a general bail bond agent employing over fifty employees and having at least two hundred thousand dollars on deposit with the department of insurance, shall be accepted throughout the state of Missouri provided that the general bail bond agent is in good standing with the department of insurance.**

The assignment shall become effective upon the applicant's violating any provision of sections 374.700 to 374.775. The assignment required by this section shall be in the form, and executed in the manner, prescribed by the department.

374.717. No insurer or licensee, court or law enforcement officer shall:

(1) Pay a fee or rebate or give or promise anything of value in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond to:

(a) A jailer, policeman, peace officer, committing judge or any other person who has power to arrest or to hold in custody any person; or

(b) Any public official or public employee;

(2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(3) Pay a fee or rebate or give promise of anything of value to the principal or anyone in the principal's behalf;

(4) Accept anything of value from a principal except the premium and expenses incurred; provided that, the licensee shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. If a forfeiture has occurred, the collateral security or other indemnity from the principal may be used to reimburse the licensee for any costs and expenses incurred associated with the forfeiture. The collateral security or other indemnity required by the licensee shall be reasonable in relation to the amount of the bond. Collateral may not be sold or otherwise transferred until the termination of liability on the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered written receipt, which shall include in detail a full account of the collateral received by the licensee.

374.755. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.700 to 374.775 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of the profession licensed under sections 374.700 to 374.775;

(2) Having entered a plea of guilty or having been found guilty of a felony **or crime involving moral turpitude;**

(3) Use of fraud, deception, misrepresentation or bribery in securing any license [issued pursuant to sections 374.700 to 374.775] or in obtaining permission to take any examination [given or] required pursuant to sections 374.700 to 374.775;

(4) Obtaining or attempting to obtain any compensation as a member of the profession licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession licensed or regulated by sections 374.700 to 374.775;

(6) Violation of[, or assisting or enabling any other person to violate, any provision of sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections 374.700 to 374.775] **any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations or aiding or abetting other persons to violate such laws, orders, rules or regulations;**

(7) Transferring a license or permitting another person to use a license of the licensee;

(8) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice the profession licensed or regulated by sections

374.700 to 374.775 who is not currently licensed and eligible to practice [under] **pursuant to** sections 374.700 to 374.775;

(11) [Paying a fee or rebate, or giving or promising anything of value, to a jailer, policeman, peace officer, judge or any other person who has the power to arrest or to hold another person in custody, or to any public official or employee, in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

(12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond matters, except in defense of any action on a bond;

(13) Paying a fee or rebate, or giving or promising anything of value, to the principal or anyone in his behalf;

(14)] Participating in the capacity of an attorney at a trial or hearing of one on whose bond he is surety.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may [do any or all of the following:

(1) Censure the person involved;

(2) Place the person involved on probation on such terms and conditions as the department deems appropriate for a period not to exceed ten years;

(3) Suspend, for a period not to exceed three years, the license of the person involved;

(4) Revoke the license of the person involved.] **admonish or censure a licensee, or suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.**

3. In lieu of filing a complaint at the administrative hearing commission, the department and the bail bond agent or general bail bond agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to the provisions of section 374.046 whenever it appears that any person is acting as a bail bond agent or general bail bond agent without a license.

374.757. 1. Any agent licensed by sections 374.700 to 374.775 who intends to apprehend any person in this state shall inform law enforcement authorities in the city or county in which such agent intends such apprehension, before attempting such apprehension. Such agent shall present to the local law enforcement authorities a certified copy of the bond and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent. Failure of any agent to whom this section applies to comply with the provisions of this section shall be a class A misdemeanor for the first violation and a class D felony for subsequent violations; and shall also be a violation of section 374.755 and may in addition be punished pursuant to that section.

2. Any agent licensed by sections 374.700 to 374.775 who wrongfully causes damages to any person or property, including but not limited to trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages.

374.764. 1. The director shall examine and inquire into all violations of the bail bond law of the state, and inquire into and investigate the bail bond business transacted in this state by any bail bond agent, general bail bond agent or surety recovery agent.

2. The director or any of his duly appointed agents may compel the attendance before him, and may examine,

under oath, the directors, officers, bail bond agents, general bail bond agents, surety recovery agents, employees or any other person, in reference to the condition, affairs, management of the bail bond or surety recovery business or any matters relating thereto. He may administer oaths or affirmations and shall have power to summon and compel the attendance of witnesses and to require and compel the production of records, books, papers, contracts or other documents, if necessary.

3. The director may make and conduct the investigation in person, or he may appoint one or more persons to make and conduct the same for him. If made by a person other than the director, the person duly appointed by the director shall have the same powers as granted to the director pursuant to this section. A certificate of appointment, under the official seal of the director, shall be sufficient authority and evidence thereof for the person to act. For the purpose of making the investigations, or having the same made, the director may employ the necessary clerical, actuarial and other assistance.

374.782. 1. Sections 374.782 to 374.789 shall be known as "The Surety Recovery Agent Licensure Act".

2. As used in sections 374.782 to 374.789, the following terms mean:

- (1) "Department", the department of insurance of the state of Missouri;**
- (2) "Fugitive recovery", the tracking down, recapturing and surrendering to the custody of a court a fugitive who has violated a bail bond agreement;**
- (3) "Surety recovery agent", a person not performing the duties of a sworn peace officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.**

374.783. 1. No person shall hold himself or herself out as being a surety recovery agent in this state, unless such person is licensed in accordance with the provisions of sections 374.782 to 374.789.

2. The department shall have authority to license all surety recovery agents in this state. The department shall have control and supervision over the licensing of such agents and the enforcement of the terms and provisions of sections 374.782 to 374.789.

3. The department shall have power to:

- (1) Set and determine the amount of the fees which sections 374.782 to 374.789 authorize and require. The fees shall be set at a level sufficient to produce revenue which shall not substantially exceed the cost and expense of administering sections 374.782 to 374.789; and**
- (2) Determine the sufficiency of the qualifications of applicants for licensure.**

4. The department shall license all surety recovery agents in this state who meet the requirements of sections 374.782 to 374.789.

374.784. 1. A candidate for a surety recovery agent's license shall be at least twenty-one years of age. A candidate shall furnish evidence of such person's qualifications by completing an approved licensed surety recovery agent course with at least forty hours of minimum training at an institution of higher education or any institution approved by the department.

2. The basic course of training shall consist of at least forty hours of training, be taught by personnel with qualifications approved by the department and may include instruction in:

(1) The following areas of the law:

- (a) Constitutional law;**

- (b) Procedures for arresting defendants and surrendering defendants into custody;**
- (c) Civil liability;**
- (d) The civil rights of persons who are detained in custody;**
- (e) The use of force;**
- (2) Procedures for field operations, including, without limitation:**
 - (a) Safety and survival techniques;**
 - (b) Searching buildings;**
 - (c) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and**
 - (d) The care and custody of prisoners;**
- (3) The skills required regarding:**
 - (a) Writing reports, completing forms and procedures for exoneration;**
 - (b) Methods of arrest;**
 - (c) Nonlethal weapons;**
 - (d) The retention of weapons;**
 - (e) Qualifications for the use of firearms;**
 - (f) Defensive tactics; and**
 - (g) Principles of investigation, including, without limitation, the basic principles of locating defendants who have not complied with the terms and conditions established by a court for their release from custody or the terms and conditions of a contract entered into with a surety;**
- (4) The following subjects:**
 - (a) Demeanor in a courtroom;**
 - (b) First aid used in emergencies; and**
 - (c) Cardiopulmonary resuscitation.**

3. No license shall be granted unless the candidate has proof of a one million dollar bond or liability policy insuring against any damages to persons or property caused by the candidate.

374.785. 1. The department shall issue a license to any surety recovery agent who is licensed in another jurisdiction and who has had no violations, suspensions or revocations of a license to engage in fugitive recovery in any jurisdiction, provided that such person is licensed in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements for licensure of surety recovery agents in Missouri at the time the applicant applies for licensure, the applicant has proof of a one million dollar bond or liability policy and such general bail bond agent employs a surety recovery agent holding a valid Missouri surety recovery license.

2. For the purpose of surrender of the defendant, a surety may apprehend the defendant, anywhere within the state of Missouri, before or after the forfeiture of the undertaking without personal liability for false

imprisonment or may empower any recovery agent to make apprehension by providing written authority endorsed on a certified copy of the undertaking and paying the lawful fees.

3. The surety or recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety or recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety or recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class D felony.

4. Every applicant for a license pursuant to this section, upon making application and showing the necessary qualifications as provided in this section, shall be required to pay the same fee as the fee required to be paid by resident applicants. Within the limits provided in this section, the department may negotiate reciprocal compacts with licensing entities of other states for the admission of licensed surety recovery agents from Missouri in other states.

374.786. 1. Every person licensed pursuant to sections 374.782 to 374.789 shall, on or before the license renewal date, apply to the department for a licensure renewal for the ensuing licensing period. The application shall be made on a form furnished to the applicant and shall state the applicant's full name, the applicant's business address, the address at which the applicant resides, the date the applicant first received a license and the applicant's surety recovery agent identification number, if any.

2. A blank form for the application for licensure renewal shall be mailed to each person licensed in this state at the person's last known address. The failure to mail the form of application or the failure of a person to receive it does not, however, relieve any person of the duty to be licensed and to pay the license fee required nor exempt such person from the penalties provided for failure to be licensed.

3. Each applicant for licensure renewal shall accompany such application with a licensure renewal fee to be paid to the department for the licensing period for which licensure renewal is sought.

4. The department may refuse to issue or renew any license required pursuant to sections 374.782 to 374.789 for any one or any combination of causes stated in section 374.787. The department shall notify the applicant in writing of the reasons for refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

374.787. 1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combinations of the following causes:

(1) Violation of any provisions of, or any obligations imposed by, the laws of this state, department of insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations;

(2) Having been convicted of a felony or crime involving moral turpitude;

(3) Using fraud, deception, misrepresentation or bribery in securing a license or in obtaining permission to take any examination required by sections 374.782 to 374.789;

(4) Obtaining or attempting to obtain any compensation as a surety recovery agent by means of fraud, deception or misrepresentation;

(5) Acting as a surety recovery agent or aiding or abetting another in acting as a surety recovery agent without a license;

(6) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of

the functions of duties of a surety recovery agent;

(7) Having revoked or suspended any license by another state.

2. After the filing of the complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the department may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

3. In lieu of filing a complaint with the administrative hearing commission, the department and the surety recovery agent may enter into an agreement for a monetary or other penalty pursuant to section 374.280.

4. In addition to any other remedies available, the department may issue a cease and desist order or may seek an injunction in a court of law pursuant to section 374.046 whenever it appears that any person is acting as a surety recovery agent without a license.

374.788. A surety recovery agent having probable grounds to believe a subject, free on his or her bond, has failed to appear as directed by a court, has breached the terms of the subject's surety agreement or has taken a substantial step toward absconding, may utilize all lawful means to arrest the subject. To surrender a subject to a court a licensed surety recovery agent, having probable grounds to believe the subject is free on their bond, may:

(1) Detain a subject in a reasonable manner, for a reasonable time not to exceed seventy-two hours;

(2) Transport a subject in a reasonable manner from state to state and county to county to a place of authorized surrender; and

(3) Enter upon private or public property in a reasonable manner to execute an arrest of a subject.

374.789. 1. A person is guilty of a class D felony if he or she does not hold a valid surety recovery agent's license or a bail bondsman's license and commits any of the following acts:

(1) Holds himself or herself out to be a licensed surety recovery agent within this state;

(2) Claims that he or she can render surety recovery agent services; or

(3) Engages in fugitive recovery in this state.

2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, trespass, unlawful arrest, unlawful detainment or assault, shall be liable for such damages and may be liable for punitive damages."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 724, regarding Danny Ewing, which was adopted.

Senator Bentley offered Senate Resolution No. 725, regarding John Auston Peine, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 726, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Higley, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Gregory Terpstra, D.O., Potosi.

Senator Klindt introduced to the Senate, Kim Clevenger and JoAnn Tummons, Gallatin High School, Gallatin.

Senator Klindt introduced to the Senate, Ann Tanner, Martha Brooke, Lisa Falke, Cheryl Hogan, Tami Parker, Staci Wood, Gerald Drehle, Jeanie Rimmer and twelve fourth grade students from Norborne R-VIII School, Norborne.

Senator Westfall introduced to the Senate, Stephanie Bean, Greenfield; and Andrea Lee, Strafford.

Senator Wiggins introduced to the Senate, Crystal Wood, Grandview High School, Grandview.

Senator Bland introduced to the Senate, Jennifer and Tina Tidwell and Aron, Caleb and Isaiah Wurth, Kansas City; and Aron, Caleb and Isaiah were made honorary pages.

Senator Bland introduced to the Senate, Gail McCann Beatty, Kansas City.

Senator Bland introduced to the Senate, Elton Gibson, Kansas City.

Senator Cauthorn introduced to the Senate, Aaron Baker, Atlanta High School, Atlanta.

Senator Childers introduced to the Senate, Brandon Angus, Hurley High School, Hurley.

Senator Steelman introduced to the Senate, Jessica Schollmeyer and Micah Starke, Chamois High School, Chamois.

Senator Rohrbach introduced to the Senate, Amy Gerding, North Shelby High School; and Mallory Thomas, Russellville High School, Russellville.

Senator Singleton introduced to the Senate, Tammy and Michael Franks, Neosho.

Senator Singleton introduced to the Senate, Charlene Hurn and Karen Mason, Newton County.

On behalf of Senator Cauthorn and himself, the President introduced to the Senate, Ashley Von Thun, North Shelby High School.

On behalf of Senator Klindt and himself, the President introduced to the Senate, Chasidy Renne, Gallatin High School, Gallatin.

On behalf of Senator Steelman and himself, the President introduced to the Senate, Amy Brandt, Chamois High School, Chamois.

On behalf of Senator Westfall and himself, the President introduced to the Senate, Kristina White, Strafford High School, Strafford.

The President introduced to the Senate, Stacy Wright, Mexico; and Christina Davis, Jefferson City.

Senator Mathewson introduced to the Senate, Ashley Adams, Keytesville; and Anna Read, Columbia; and Ashley and Anna were made honorary pages.

Senator Staples introduced to the Senate, Charles Czwonka, Dan Craig and students from Doniphan Christian School, Doniphan; and Ashley Craig, Jake Browning, Daniel Newman, Trent Skaggs and Carla Proehl were made honorary pages.

Senator Gibbons introduced to the Senate, forty-one fourth grade students from Rohan Woods School, Warson Woods.

On behalf of Senator Wiggins and herself, Senator Bland introduced to the Senate, Gwendolyn Grant and Don

Hickman, Kansas City.

Senator Wiggins introduced to the Senate, Steve Jacobs, Grandview High School, Grandview.

On behalf of Senator Yeckel, Senator Rohrbach introduced to the Senate, Mary Herst and one hundred three fifth grade students from Trautwein Accelerated School, St. Louis; and Kira Klein, Mackenzie Stretch, R.J. Phelps and Tierra Luckey were made honorary pages.

Senator Mathewson introduced to the Senate, Larry, Gladys, Crystal, Michael and J.R. Billingsley, Sedalia; and Crystal, Michael and J.R. were made honorary pages.

Senator Singleton introduced to the Senate, Kayla Clutter, Stella; and Celia Renfro, Fair View.

Senator Singleton introduced to the Senate, his son, Mitchell Singleton, and Deborah Ellis, Joplin.

On motion of Senator Kenney, the Senate adjourned under the rules.

SENATE CALENDAR

SIXTY-SIXTH DAY-THURSDAY, MAY 3, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 280,

69, 497 & 689-Hoppe

HCS for HB 780

HCS for HB 279

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334 &

228-Kinder (In Budget Control) SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS HOUSE BILLS ON THIRD READING

1. HS for HJR 11-Gambaro

(Goode)

2. HCS for HB 567, with

SCS (Klarich)

3. HB 575-O'Connor, et al,

with SCS (Kenney)

4. HS for HB 381-Hoppe,

with SCS (Kenney)

(In Budget Control)

5. HB 444-Kreider, et al,
with SCA 1 (Wiggins)
6. HS for HB 421-Hoppe,
with SCS (Kinder)
7. HB 385-Franklin, with
SCS (Foster)
8. HCS for HBs 205, 323
& 549, with SCS
(Childers)
9. HB 662-Green (73) and
St. Onge, with SCS
(Foster)
10. HS for HCS for HB 425-
O'Toole (DePasco)
11. HB 285-Riback Wilson,
et al (Jacob)
12. HB 120-O'Connor, with
SCS (Caskey)
13. HB 163-Berkowitz and
Wagner (Westfall)
14. HB 471-Jolly, et al,
with SCS (Wiggins)
15. HB 626-Hosmer, with
SCS (Bentley)
16. HS for HCS for HB 107-
Clayton, with SCS
(Klarich) (In Budget Control)
17. HCS for HB 50, with
SCS (Stoll)

(In Budget Control)

18. HCS for HBs 754, 29,
300 & 505 (Bentley)

(In Budget Control)

19. HB 185-Legan, et al,
with SCS (Gross)

20. HCS for HB 738

(Klarich)

21. HCS for HBs 441, 94 &
244 (Johnson)

22. HB 453-Ransdall, et al,
with SCS (Steelman)

(In Budget Control)

23. HB 501-Bowman, et al,
with SCS (Steelman)

(In Budget Control)

24. HCS for HB 581, with
SCS (Klindt)

25. HB 133-Gambaro, with
SCS (Yeckel)

26. HCS for HB 241, with
SCS (Caskey)

27. HS for HCS for HBs 328 &
88-Harlan,
with SCS (Sims)

(In Budget Control)

28. HB 70-Koller, with

SCA 1 (Staples) INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,

with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 593-Klindt, with SCS

SJR 11-Yeckel HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS

(pending) (Kenney)

HCS for HBs 144 & 46,

with SCS (Kenney)

HB 544-Holand and Treadway,

with SA 1 (pending) (Bentley)

HS for HCS for HB 762-

Barry, with SCS, SS for

SCS & SA 2 (pending)

(Sims and Stoll)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with SS,

SA 1 & point of order

(pending) (Yeckel) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/11

HB 409-Surface
(Singleton)

HB 84-Richardson
(Childers) Reported 4/12

HB 78-Kennedy and
Richardson (Klarich)

HB 607-Treadway, et al,
with SCS (Sims)

HB 796-Hosmer, with SCS
(Singleton)

HB 111-Ladd Baker (Gross)
HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,
with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS
(Bentley)

HB 420-Williams, et al
(Westfall)

HB 458-Lawson, et al
(Klindt)

HB 470-Shields and
Hegeman (Johnson)

HBs 648, 477 & 805-
Ostmann, et al, with
SCS (Westfall)

HB 691-Barnett, et al,
with SCS (Klindt)

HB 897-Kreider, et al (Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al
(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with
SCS (Rohrbach)

HB 606-Kennedy, et al,
with SCS (Yeckel)

HB 202-Rizzo, with SCS
(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SB 193-Rohrbach,

with HCS, as amended

SS for SCS for SB 267-

Klarich, with HS for

HCS, as amended

SCS for SB 382-Yeckel and

Stoll, with HCS

SCS for SB 520-Foster,

with HCS

SB 544-Johnson, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell)

HCS for HB 13, with SCS

(Russell)

HCS for HB 18, with SCS,

as amended (Russell)

HCS for HB 19, with SCS

(Russell)

HB 491-George, with SCS

(Goode) Requests to Recede or Grant Conference

SCS for SB 151-Childers,

with HCS

(Senate requests House

recede or grant conference)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

To be Referred

HCR 12-Haywood

HCR 14-Koller

HCR 22-Barnitz

HCR 23-Holand Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 5-Mays, with SS

(pending) (Goode)

HCR 24-Boucher, with SCS

(Yeckel) Reported from House with Amendments

SS for SCR 13-Foster,

with HCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY--THURSDAY, MAY 3, 2001

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

"The Lord waits to be gracious to you." (Isaiah 30:18)

Lord God, even when our minds and thoughts stray from Your waiting heart, You are willing to heal our limping lives with celebration. Help us remember this day where to go for life today, and in doing so return to keeping our hearts and minds on those things You will for us to accomplish this day. And help us return to those You have given us to love with openness to what they have endured in our absence and their need of us to help and support them and most assuredly share the love we have for them. In Your Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	Absent with leave--Senator Carter--1		
	The Lieutenant Governor was present.		

RESOLUTIONS

Senator Quick offered Senate Resolution No. 727, regarding Nathan David Wilshusen, Smithville, which was adopted.

Senator Quick offered Senate Resolution No. 728, regarding Jared Thomas Scullen, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 729, regarding Martin Joseph Fisher, Liberty, which was adopted.

HOUSE BILLS ON THIRD READING

HB 409, introduced by Representative Surface, entitled:

An Act to authorize the conveyance of certain properties between the Missouri national guard and the city of Joplin.

Was called from the Consent Calendar and taken up by Senator Singleton.

On motion of Senator Singleton, **HB 409** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Goode	Rohrbach--4
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

HB 84, introduced by Representative Richardson, entitled:

An Act to repeal section 50.334, RSMo 2000, relating to recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Childers.

Senator Gross assumed the Chair.

On motion of Senator Childers, **HB 84** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators
Bentley Bland--2
Absent with leave--Senator Carter-- 1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 78, introduced by Representatives Kennedy and Richardson, entitled:

An Act to repeal section 334.128, RSMo 2000, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

On motion of Senator Klarich, **HB 78** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bentley-- 1			
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

HB 607, with **SCS**, introduced by Represen-tative Treadway, et al, entitled:

An Act to repeal section 332.072, RSMo 2000, relating to dental services, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Sims.

SCS for **HB 607**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 607

An Act to repeal section 332.072, RSMo 2000, relating to dental services, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Sims moved that **SCS** for **HB 607** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **HB 607** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None			
Absent--Senators			
Bentley	Quick	Russell	Staples--4
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Carter--1			

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 796, with **SCS**, introduced by Representative Hosmer, entitled:

An Act to repeal section 196.100, RSMo 2000, relating to the labeling of drugs, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Singleton.

SCS for **HB 796**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 796

An Act to repeal section 196.100, RSMo 2000, relating to labeling of drugs, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **HB 796** be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **HB 796** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Jacob	Russell	Staples--3
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John D. Aylward, as a member of the State Soil and Water Districts Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William Kent Blades, as a member of the State Fair Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Cauthorn moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Norman B. Harty, as a member of the House Apportionment Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Foster moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Allison London Smith, as a member of the Senate Apportionment Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Childers moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Marjorie K. Carter, as a member of the Child Abuse and Neglect Review Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Klarich moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael L. Franks, as a member of the Board of Governor's for Southwest Missouri State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Singleton moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Donald "Brad" Bedell, as a member of the Board of Regents for Southeast Missouri State University, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Kinder moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of William "Vim" F. Horn, Jr., as a member of the Missouri Planning Council on Developmental Disabilities, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Mathewson moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of N. Cheryl Coleman, as a member of the Missouri Women's Council, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator DePasco moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Jennifer Tidwell, as a member of the State Tax Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator DePasco moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael L. Gray, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Westfall moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Amy Sweeney Davis, as a public member of the Amusement Ride Safety Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John "Jack" Runyan, as a member of the Amusement Ride Safety Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Gwendolyn Grant, as a member of the Missouri Commission on Human Rights, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Wiggins moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Larry W.

Jackson, D.D.S., as a member of the Missouri Dental Board, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Staples moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Paul A. Sundet, Ph.D., as a member of the State Committee for Social Workers, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Jacob moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Ben L. Kessler, as a member of the Hazardous Waste Management Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Sims moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 144** and **46**, with **SCS**, entitled:

An Act to repeal section 575.230, RSMo 2000, relating to jails and jailers, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Kenney.

SCS for **HCS** for **HBs 144** and **46**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 144 and 46

An Act to repeal sections 575.230 and 577.020, RSMo 2000, relating to public safety, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Kenney moved that **SCS** for **HCS** for **HBs 144** and **46** be adopted.

Senator Kenney offered **SS** for **SCS** for **HCS** for **HBs 144** and **46**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 144 and 46

An Act to amend chapter 221, RSMo, by adding thereto one new section relating to the release of individuals from custody.

Senator Kenney moved that **SS** for **SCS** for **HCS** for **HBs 144** and **46** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 and 46, Page 1, Section A, Line 3, by inserting after all of said line the following:

"32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family** based on a specific request for such information from any person. Any person who is a county, state or federal parole officer or who is a federal pretrial officer **or who is a peace officer pursuant to section 590.100, RSMo**, may notify the department of such status and the department shall protect the confidentiality of the records on such a person **and his or her immediate family** as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.055 **or from releasing information on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.**"; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 and 46, Page 2, Section 221.510, Line 29, by inserting after said line the following:

"577.020. 1. Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

- (1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition; or
- (2) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
- (3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater; [or]
- (4) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law

enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater[.];

(5) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance of a Uniform Traffic Ticket for the violation of any state law or county or municipal ordinance with the exception of equipment violations contained in chapter 306, RSMo, or similar provisions contained in county or municipal ordinances; or

(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality.

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same arrest, incident or charge.

3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.

4. The state department of health shall approve satisfactory techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to [him] **such person.**

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of this section or a field sobriety test may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kenney moved that **SS for SCS for HCS for HBs 144 and 46**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS for SCS for HCS for HBs 144 and 46**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Scott--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Dougherty moved that motion lay on the table, which motion prevailed.

HS for **HJR 11**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

Was taken up by Senator Goode.

Senator Scott offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Joint Resolution No. 11, Page 2, Section 31, Line 6, by inserting after the phrase "county charter but may" the following: ", except for the office of circuit attorney,".

Senator Scott moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **HS** for **HJR 11**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Stoll--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SCS** for **SBs 323** and **230**, entitled:

An Act to repeal sections 67.1003, 67.1360, 67.1775, 94.812 and 210.861, RSMo 2000, and to enact in lieu thereof thirty new sections relating to certain local taxes.

With House Amendments Nos. 1, 2, 3, 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendments Nos. 6, 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendments Nos. 9, 10 and 11.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 45, Section 210.861, Line 13 of said page, by inserting after all of said line the following:

"321.242. 1. The governing body of any fire protection district which operates within and has boundaries identical to a city with a population of at least thirty thousand but not more than thirty-five thousand inhabitants which is located in a county of the first classification, excluding a county of the first classification having a population in excess of nine hundred thousand, **or the governing body of any fire protection district which has an assessed valuation greater than seven hundred fifty million but less than eight hundred million and which is located in a county of the first classification with a charter form of government with a population greater than nine hundred thousand**, or the governing body of any municipality having a municipal fire department may impose a sales tax in an amount of up to one-fourth of one percent on all retail sales made in such fire protection district or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district or municipality submits to the voters of such fire protection district or municipality, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district or municipality to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall (insert name of district or municipality) impose a sales tax of (insert rate of tax) for the purpose of providing revenues for the operation of the (insert fire protection district or municipal fire department)?

[] Yes [] No

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district or municipality shall not impose the sales tax authorized in this section unless and until the governing body of such fire protection district or municipality resubmits a proposal to authorize the governing body of the fire protection district or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district or the municipal fire department.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district or

municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in the fire protection district sales tax trust fund created prior to August 28, 1999, shall be transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and of the amounts which were collected in each fire protection district or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district or municipality and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district or municipality which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district or municipality, and all expenditures of funds arising from the fire protection sales tax trust fund shall be for the operation of the fire protection district or the municipal fire department and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district or municipality for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts or municipalities. If any fire protection district or municipality abolishes the tax, the fire protection district or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district or municipality, the director of revenue shall remit the balance in the account to the fire protection district or municipality and close the account of that fire protection district or municipality. The director of revenue shall notify each fire protection district or municipality of each instance of any amount refunded or any check redeemed from receipts due the fire protection district or municipality. In the event a tax within a fire protection district is approved pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire protection district are identical to that of the city, the tax shall continue and proceeds shall be distributed to the governing body of the city formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such city.

6. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 27, Section 67.1950, Line 13, by striking the word "excluding" and replacing it with the word "including".

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 32, Section 67.1959, Line 4, by striking the following:

"including leases of motor vehicles,".

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 12, Section 67.1005, Line 9 of said page, by inserting after all of said line the following:

"67.1300. 1. The governing body of any of the contiguous counties of the third classification without a township form of government enumerated in subdivisions (1) to (5) of this subsection or in any county of the fourth classification

acting as a county of the second classification, having a population of at least forty thousand but less than forty-five thousand with a state university, and adjoining a county of the first classification with part of a city with a population of three hundred fifty thousand or more inhabitants **or a county of the third classification with a township form of government and with a population of at least eight thousand but less than eight thousand four hundred inhabitants** or a county of the third classification with more than fifteen townships having a population of at least twenty-one thousand inhabitants or a county of the third classification without a township form of government and with a population of at least seven thousand four hundred but less than eight thousand inhabitants or any county of the third classification with a population greater than three thousand but less than four thousand or any county of the third classification with a population greater than six thousand one hundred but less than six thousand four hundred or any county of the third classification with a population greater than six thousand eight hundred but less than seven thousand or any county of the third classification with a population greater than seven thousand eight hundred but less than seven thousand nine hundred or any county of the third classification with a population greater than eight thousand four hundred sixty but less than eight thousand five hundred or any county of the third classification with a population greater than nine thousand but less than nine thousand two hundred or any county of the third classification with a population greater than ten thousand five hundred but less than ten thousand six hundred or any county of the third classification with a population greater than twenty-three thousand five hundred but less than twenty-three thousand seven hundred or a county of the third classification with a population greater than thirty-three thousand but less than thirty-four thousand or a county of the third classification with a population greater than twenty thousand eight hundred but less than twenty-one thousand or a county of the third classification with a population greater than fourteen thousand one hundred but less than fourteen thousand five hundred or a county of the third classification with a population greater than twenty thousand eight hundred fifty but less than twenty-two thousand or a county of the third classification with a population greater than thirty-nine thousand but less than forty thousand or a county of the third classification with a township form of organization and a population greater than twenty-eight thousand but less than twenty-nine thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand five hundred or a county of the third classification with a population greater than eighteen thousand but less than nineteen thousand seventy or a county of the third classification with a population greater than thirteen thousand nine hundred but less than fourteen thousand four hundred or a county of the third classification with a population greater than twenty-seven thousand but less than twenty-seven thousand five hundred or a county of the first classification without a charter form of government and a population of at least eighty thousand but not greater than eighty-three thousand or a county of the third classification with a population greater than fifteen thousand but less than fifteen thousand nine hundred without a township form of government which does not adjoin any county of the first, second or fourth classification or a county of the third classification with a population greater than twenty-three thousand but less than twenty-five thousand without a township form of government which does not adjoin any county of the second or fourth classification and does adjoin a county of the first classification with a population greater than one hundred twenty thousand but less than one hundred fifty thousand or in any county of the fourth classification acting as a county of the second classification, having a population of at least forty-eight thousand or any governing body of a municipality located in any of such counties may impose, by ordinance or order, a sales tax on all retail sales made in such county or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525, RSMo:

- (1) A county with a population of at least four thousand two hundred inhabitants but not more than four thousand five hundred inhabitants;
- (2) A county with a population of at least four thousand seven hundred inhabitants but not more than four thousand nine hundred inhabitants;
- (3) A county with a population of at least seven thousand three hundred inhabitants but not more than seven thousand six hundred inhabitants;
- (4) A county with a population of at least ten thousand one hundred inhabitants but not more than ten thousand three hundred inhabitants; and
- (5) A county with a population of at least four thousand three hundred inhabitants but not more than four thousand five hundred inhabitants.

2. The maximum rate for a sales tax pursuant to this section shall be one percent for municipalities and one-half of one percent for counties.
3. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or order imposing a sales tax pursuant to the provisions of this section shall be effective unless the governing body of the county or municipality submits to the voters of the county or municipality, at a regularly scheduled county, municipal or state general or primary election, a proposal to authorize the governing body of the county or municipality to impose a tax. Any sales tax imposed pursuant to this section shall not be authorized for a period of more than five years.
4. Such proposal shall be submitted in substantially the following form:
- Shall the (city, town, village or county) of impose a sales tax of (insert amount) for the purpose of economic development in the (city, town, village or county)?
- ☐ YES ☐ NO
- If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall be in effect on the first day of the second quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county or municipality shall not impose the sales tax authorized in this section until the governing body of the county or municipality resubmits another proposal to authorize the governing body of the county or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon; however no such proposal shall be resubmitted to the voters sooner than twelve months from the date of the submission of the last such proposal.
5. All revenue received by a county or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for economic development purposes within such county or municipality for so long as the tax shall remain in effect.
6. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund shall be used solely for economic development purposes within the county or municipality. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other county or municipal funds.
7. All sales taxes collected by the director of revenue pursuant to this section on behalf of any county or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited in a special trust fund, which is hereby created, to be known as the "Local Economic Development Sales Tax Trust Fund".
8. The moneys in the local economic development sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and which was collected in each county or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the county or municipality and the public.
9. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the county or municipality which levied the tax. Such funds shall be deposited with the county treasurer of each such county or the appropriate municipal officer in the case of a municipal tax, and all expenditures of funds arising from the local economic development sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or municipality. Expenditures may be made from the fund for any economic development purposes authorized in the ordinance or order adopted by the governing body submitting the tax to the voters.
10. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any county or municipality for erroneous payments and overpayments made, and may redeem dishonored

checks and drafts deposited to the credit of such counties and municipalities.

11. If any county or municipality abolishes the tax, the county or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such county or municipality, the director of revenue shall remit the balance in the account to the county or municipality and close the account of that county or municipality. The director of revenue shall notify each county or municipality of each instance of any amount refunded or any check redeemed from receipts due the county or municipality.

12. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed pursuant to this section.

13. For purposes of this section, the term "economic development" is limited to the following:

- (1) Operations of economic development or community development offices, including the salaries of employees;
- (2) Provision of training for job creation or retention;
- (3) Provision of infrastructure and sites for industrial development or for public infrastructure projects; and
- (4) Refurbishing of existing structures and property relating to community development."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 5

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 25, Section 67.1934, Line 6, by deleting the word "twenty" and inserting in lieu thereof the word "five".

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 15, Section 67.1360, Line 11, by deleting all of said line and inserting in lieu thereof the following: "**two thousand three hundred but less than two thousand five hundred**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 45, Section 1, Line 19-21, by striking all of Line 19 after the comma (,) following the word "county" on line 19, and by striking all of Line 20, and by striking the word "basis" on Line 21, and substituting in lieu thereof the following:

"require each contract covering the rental of a motor vehicle which is rented within such county on a short-term basis to provide a box which the renter may use to indicate that a one dollar fee may be added to the contract".

HOUSE SUBSTITUTE AMENDMENT NO. 2

FOR HOUSE AMENDMENT NO. 8

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 46, Section 1, Line 10, by inserting after said line the following:

"Section 2. Notwithstanding section 144.020, all memberships in recreational personal fitness or health club facilities and golf clubs shall be exempt from state and local sales and use taxes."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 15, Section 67.1360, Line 22, by inserting at the end of said line the following:

"; or

(19) Any county of the second classification with a population of more than forty-four thousand but less than fifty thousand inhabitants;".

HOUSE AMENDMENT NO. 10

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 41, Section 67.1977, Line 21, by inserting the following after Line 20:

"67.1978. The board of directors shall have an annual audit performed by a certified professional accountant or accounting firm. The board of directors shall provide a copy of the annual audit to the governing bodies within the district.

67.1979. Members of the board of directors may be removed by two-thirds vote of the appointing governing body.";

and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 and 230, Page 3, Section 67.571, Line 22, by deleting the word "five" in said line and replacing with the word "six"; and

Further amend said bill, same section, Line 23, by adding after the word "county" the following:

"from a list of candidates supplied by the chairman of each of the two major political parties of the county. The board shall be comprised of three members from each of the two political parties.";

and

Further amend said bill, same section, Page 4, Line 2, by deleting the first word "two" in said line and replacing with the word "three".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 808** and **HB 951**, as amended, and has taken up and passed **SCS** for **HB 808** and **HB 951**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 981** and **665**, entitled:

An Act to repeal sections 160.261 and 287.780, RSMo 2000, relating to immunities, and to enact in lieu thereof three

new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House of Representatives is returning **SS** for **SCS** for **SBs 476, 427** and **62** back to the Senate for correction and re-passage.

REFERRALS

President Pro Tem Kinder referred **HCR 12; HCR 14; HCR 22** and **HCR 23** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Yeckel requested unanimous consent of the Senate to reconsider, in one vote, the votes by which the titling and perfecting motions and the third reading motion carried on **SS** for **SCS** for **SBs 476, 427** and **62**, which request was granted.

Having voted on the prevailing side, Senator Yeckel moved that the vote to lay on the table the motion to reconsider the vote by which **SS** for **SCS** for **SBs 476, 427** and **62** passed, the vote by which the title was agreed to, and the vote by which the bill was third read and finally passed be reconsidered, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Scott--1			
Absent with leave--Senator Carter--1			

On motion of Senator Yeckel, corrected **SS** for **SCS** for **SBs 476, 427** and **62** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senator Rohrbach--1			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Childers moved that **SS** for **SCS** for **SBs 323** and **230**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SS** for **SCS** for **SBs 323** and **230**, as amended, entitled:

HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 323 and 230

An Act to repeal sections 67.1003, 67.1360, 67.1775, 94.812 and 210.861, RSMo 2000, and to enact in lieu thereof thirty new sections relating to certain local taxes.

Was taken up.

Senator Childers moved that **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bentley-- 1

Absent with leave--Senator Carter-- 1

Senator Childers moved that **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, be read the 3rd time and finally passed.

At the request of Senator Childers, the above motion was withdrawn, which placed the bill back on the Calendar.

Senator Yeckel moved that **SCS** for **SB 382**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 382**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 382

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

Was taken up.

Senator Yeckel moved that **HCS** for **SCS** for **SB 382** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Schneider--2

Absent with leave--Senator Carter--1

On motion of Senator Yeckel, **HCS** for **SCS** for **SB 382** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley Rohrbach--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bentley

Rohrbach

Stoll--3

Absent with leave--Senator Carter--1

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Foster moved that **SCS** for **SB 520**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 520**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 520

An Act to repeal sections 301.041, 301.057, 301.058 and 301.121, RSMo 2000, section 301.130 as enacted by house committee substitute for senate substitute for senate bill no. 3 and senate bill no. 156, eighty-eighth general assembly, first regular session, 301.130 as enacted by conference committee substitute for senate substitute for senate bill no. 70, eighty-eighth general assembly, first regular session, relating to motor vehicles, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Foster moved that **HCS** for **SCS** for **SB 520** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Goode	Jacob	Mathewson
Rohrbach--5			

Absent with leave--Senator Carter--1

On motion of Senator Foster, **HCS** for **SCS** for **SB 520** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Quick	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Rohrbach	Russell	Singleton	Staples--4
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SB 544**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 544**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 544

An Act to authorize the conveyance of an easement on property owned by Missouri Veterans Commission to Spectra Communications.

Was taken up.

Senator Johnson moved that **HCS** for **SB 544** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Rohrbach	Singleton--2		
	Absent with leave--Senator Carter--1		

On motion of Senator Johnson, **HCS** for **SB 544** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Quick	Rohrbach	Singleton	Staples--4
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for **HB 567**, with **SCS**, entitled:

An Act to repeal sections 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.177, 324.205, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 332.081, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.622, 339.090, 345.080 and 620.010, RSMo 2000, relating to professional registration, and to enact in lieu thereof seventy-eight new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Klarich.

SCS for **HCS** for **HB 567**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 567

An Act to repeal sections 209.251, 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.177, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 331.090, 334.021, 334.047, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.615, 337.618, 337.622, 339.090, 345.080 and 620.010, RSMo 2000, relating to the division of professional registration, and to enact in lieu thereof ninety-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich moved that **SCS** for **HCS** for **HB 567** be adopted.

At the request of Senator Klarich, **HCS** for **HB 567**, with **SCS** (pending), was placed on the Informal Calendar.

HB 575, with **SCS**, introduced by Represen-tative O'Connor, et al, entitled:

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up by Senator Kenney.

SCS for **HB 575**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 575

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Kenney moved that **SCS** for **HB 575** be adopted.

Senator Kenney offered **SS** for **SCS** for **HB 575**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 575

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, and section 407.822 as Truly Agreed To and finally passed by the first regular session of the ninety-first general assembly in senate committee substitute for house bill no. 693, relating to franchise practices, and to enact in lieu thereof eighteen new sections relating to the same subject, with a delayed effective date for certain sections.

Senator Kenney moved that **SS** for **SCS** for **HB 575** be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HB 575** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Rohrbach
Stoll--2

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HB 16**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 17**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Kenney, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 459** and has taken up and passed **SCS** for **HB 459**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 514**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 130**, entitled:

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCS** for **SB 462**, entitled:

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330, 252.333, 274.060, 278.220, 278.240, 278.245, 278.250, 278.280, 278.290, 278.300, 348.430, 348.432 and 409.401, RSMo 2000, and to enact in lieu thereof thirty-five new sections relating to agriculture, with a penalty provision and an emergency clause for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 9, 10, 11, 12, 14, 15, 17, 18 and 19.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 462, Pages 26 and 27, Section 414.433, Lines 2 to 8, by deleting all of said lines and inserting in lieu thereof the following:

"(1) "B-20", a blend of two fuels of twenty percent by volume biodiesel and eighty percent by volume petroleum-based diesel fuel;

(2) "Biodiesel", as defined in ASTM Standard PS121;

(3) "Eligible new generation cooperative", a nonprofit farmer-owned cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility, as defined in section 348.430, RSMo."; and

Further amend said bill, Page 2, Section 252.303, Line 27, by deleting all of said line and inserting in lieu thereof the following: **"(9) "Forested-riparian buffers", a combination of trees and other vegetation"; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 462, Pages 26, Section 409.401, Line 134, by inserting after all of said line the following:

"414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of ASTM standards and supplements thereto. The director may promulgate rules and regulations on the labeling, standards for, and identity of motor fuels and heating oils.

2. All sellers of motor fuel which has been blended with an alcohol additive shall notify the buyer of same.

3. All sellers of motor fuel which has been blended with at least one percent oxygenate by weight shall notify the buyer at the pump of the type of oxygenate.

4. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to insure that these fuels conform to advertised grade and octane."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Lines 16 and 17, by deleting all of said lines and inserting in lieu thereof the following:

"biodiesel will not exceed the rack price of regular diesel. If there is no incremental cost difference between biodiesel above the rack price of regular diesel, then the state school aid program will not make payment for biodiesel purchased during the period where no incremental cost exists. The payment shall be made based on

the incremental cost difference incrementally up to seven-tenths percent of the entitlement authorized by section 163.161, RSMo,"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Line 5, by inserting after all of said line the following:

"578.029. 1. A person commits the crime of intentionally releasing or confiscating an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases or confiscates any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

2. As used in this section "animal" means every living creature, domesticated or wild, but not including Homo sapiens.

3. The provisions of this section shall not apply to or affect any of the following:

(1) Any person acting with lawful authority to release or confiscate an animal;

(2) Any employee or agent of the Missouri department of agriculture acting within the scope of his or her duties;

(3) Any public health official, animal welfare officer, animal control officer, law enforcement officer or other governmental employee or individual required to assist or requested to assist a person acting with lawful authority to release or confiscate an animal.

4. Intentionally releasing or confiscating an animal is a class A misdemeanor except that the second or any subsequent offense is a class D felony."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Line 27, by inserting after all of said line the following:

"537.353. 1. Any person or entity who knowingly damages or destroys any field crop product that is grown for personal or commercial purposes, or for testing or research purposes in the context of a product development program in conjunction or coordination with a private research facility, a university, or any federal, state or local government agency, shall be liable for double damages pursuant to this section.

2. In awarding damages pursuant to this section, the courts shall consider the following:

(1) The market value of the crop prior to damage or destruction; and

(2) The actual damages involving production, research, testing replacement and crop development costs directly related to the crop that has been damaged or destroyed."; and

Further amend said bill Page 27, Section 578.008, Line 5, by inserting after all of said line the following:

"578.414. 1. Sections 578.414 to 578.420 shall be known and may be cited as "The Crop Protection Act". As used in sections 578.414 to 578.420, the term "director" shall mean the director of the department of agriculture.

578.416. No person shall:

- (1) Intentionally cause the loss of any crop;**
- (2) Damage, vandalize, or steal any property in or on a crop;**
- (3) Obtain access to a crop by false pretenses for the purpose of performing acts not authorized by the landowner;**
- (4) Enter or otherwise interfere with a crop with the intent to destroy, alter, duplicate or obtain unauthorized possession of such crop;**
- (5) Knowingly obtain, by theft or deception, control over a crop for the purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop;**
- (6) Enter or remain on land on which a crop is located with the intent to commit an act prohibited by this section.**

578.418. 1. Any person who violates section 578.416:

- (1) Shall be guilty of a misdemeanor for each such violation unless the loss or damage to the crop exceeds three hundred dollars in value;**
- (2) Shall be guilty of a class D felony if the loss or damage to the crop exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;**
- (3) Shall be guilty of a class C felony if the loss or damage to the crop exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;**
- (4) Shall be guilty of a class B felony if the loss or damage to the crop exceeds one hundred thousand dollars in value.**

2. Any person who intentionally agrees with another person to violate section 578.416 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss or damage to a crop, the court shall conduct a hearing to determine the reasonable cost of replacement of the property or crops that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost income and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.416.

4. Any persons found guilty of a violation of section 578.416 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the land on which the crop is located, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.416 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.414 to 578.420 shall preclude any owner or operator injured in his or her business or property by a violation of section 578.416 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.416. The owner or operator of the business may petition the court to permanently enjoin such persons from violating sections 578.414 to 578.420 and the court shall provide such relief.

578.420. 1. The director shall have the authority to investigate any alleged violation of sections 578.414 to

578.420, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of sections 578.414 to 578.420. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

2. The director may promulgate rules and regulations necessary for the enforcement of sections 578.414 to 578.420. No rule or portion of a rule promulgated under the authority of sections 578.414 to 578.420 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 462, Page 8, Section 262.810, Line 3, by inserting after all of said line the following:

"272.010. All fields and enclosures where animals are kept shall be enclosed by [hedge, or with a fence sufficiently close, composed of posts and rails, posts and palings, posts and planks, posts and wires, palisades or rails alone, laid up in a manner commonly called a worm fence, or of turf, with ditches on each side, or of stone or brick] a lawful fence as defined in section 272.020.

272.020. [All hedges shall be at least four feet high, and all fences composed of posts and rails, posts and palings, posts and wire, posts and boards or palisades, shall be at least four and one-half feet high, with posts set firmly in the ground, not more than eight feet apart, and with rails, palings, wire, boards or palisades securely fastened thereto, and placed at proper distances apart, so as to resist horses, cattle, swine and like stock; and fences composed of woven wire, wire netting or wire mesh shall be at least four and one-half feet high, securely fastened to posts, such posts to be set firmly in the ground, and not more than sixteen feet apart, and such woven wire, wire netting or wire mesh to be of sufficient closeness and strength as to resist horses, cattle, swine and like stock; those composed of turf shall be at least four feet high and with ditches on either side at least three feet wide at the top and three feet deep; and what is known as a worm fence shall be at least five feet high to the top of the rider, or if not ridered, shall be five feet to the top rail or pole, and shall be locked with strong rails or poles or stakes; those composed of stone or brick shall be at least four and one-half feet high; provided, that in counties in this state in which swine are restrained from running at large, all fences built of posts set firmly in the ground, not more than sixteen feet apart, and three barbed wires tensely stretched and securely fastened thereto, and the upper wire being substantially four feet from the ground, and the two remaining wires placed at proper distances below to resist horses, cattle and like stock, and all fences built of posts and rails, or posts and slats, with posts set firmly in the ground, not more than ten feet apart, and with three rails or slats securely fastened thereto, and the upper rail or slat being placed substantially four and one-half feet from the ground, and the two remaining rails or slats to each panel being placed at proper distances below to resist horses, cattle and like stock, and all fences built of posts and boards, with posts set firmly in the ground, not more than eight feet apart, and board substantially one inch thick and six inches wide, securely fastened thereto, and the upper board being at least four and one-half feet high, and the remaining boards placed at proper distances below, to resist horses, cattle and like stock, shall be deemed and held to be a good and lawful fence; provided, that nothing contained in this section shall be so construed as to relieve any railroad company from the obligation of fencing the right-of-way of said company against hogs, sheep, cattle, horses and like stock.] **1. Any fence consisting of posts and wire or boards at least four feet high which is mutually agreed upon by adjoining landowners or decided upon by the associate circuit court of the county is a lawful fence.**

2. All posts shall be set firmly in the ground not more than twelve feet apart with wire or boards securely fastened to such posts and placed at proper distances apart to resist horses, cattle and other similar livestock.

272.040. Upon complaint of [the party injured to any circuit or associate circuit judge of the county, such circuit or] **either party claiming to be injured because of the trespass or taking up of livestock as described in section 272.030, the** associate circuit judge shall, without delay, issue an order to three disinterested householders of the neighborhood, not of kin to either party, reciting the complaint, and requiring them to view the [hedge or] fence where the trespass is complained of, and take memoranda of the same, and appear before the [judge] **court** on the day set for

trial; and their evidence shall determine the lawfulness of such fence. **The persons appointed by the associate circuit judge shall be paid twenty-five dollars each per day for the time actually employed which shall be taxed as costs in the case equally against the parties and collected accordingly.**

272.050. If any person [damned for want of such] **who does not maintain** a sufficient [hedge or] fence, shall hurt, wound, lame, kill or destroy, or cause the same to be done by shooting, worrying with dogs, or otherwise, any of the animals in this chapter mentioned, such [persons] **person** shall satisfy the owner in double damages with costs.

272.060. [Whenever the fence of any owner of real estate, now erected or constructed, or which shall hereafter be erected or constructed, the same being a lawful fence, as defined by sections 272.010 and 272.020, serves to enclose the land of another, or which shall become a part of the fence enclosing the lands of another, on demand made by the person owning such fence, such other person shall pay the owner one-half the value of so much thereof as serves to enclose his land, and upon such payment shall own an undivided half of such fence.] **1. Whenever the owner of real estate desires to construct or repair a lawful fence, as defined by section 272.020, which divides his or her land from that of another, such owner shall give written notice of such intention to the adjoining landowner. The landowners shall meet and each shall construct or repair that portion of the division fence which is on the right of each owner as the owners face the fence line while standing at the center of their common property line on their own property. If the owners cannot agree as to the part each shall construct or keep in repair, either of them may apply to an associate circuit judge of the county who shall forthwith summon three disinterested householders of the township or county to appear on the premises, giving three days' notice to each of the parties of the time and place where such viewers shall meet, and such viewers shall, under oath, designate the portion to be constructed or kept in repair by each of the parties interested and notify them in writing of the same. Such viewers shall receive twenty-five dollars each per day for the time actually employed, which shall be taxed as court costs.**

2. Existing agreements not consistent with the procedure prescribed by subsection 1 of this section shall be in writing, signed by the agreeing parties, and shall be recorded in the office of the recorder of deeds in the county or counties where the fence line is located. The agreement shall describe the land and the portion of partition fences between their lands which shall be erected and maintained by each party. The agreement shall bind the makers, their heirs and assigns.

272.070. [If the parties interested shall fail to agree as to the value of one-half of such fence, the owner of the fence may apply to a circuit or associate circuit judge of the county, who shall without delay, issue an order to three disinterested householders of the township, not of kin to either party, reciting the complaint, and requiring them to view the fence, estimate the value thereof, and make return under oath to the associate circuit judge on the day named in the order.] **If either party fails to construct or repair his or her portion of the fence in accordance with the provisions of section 272.060 within a reasonable time, the other may petition the associate circuit court of the county to authorize the petitioner to build or repair the fence in a manner to be directed by the court. If the court authorizes such action, the petitioner shall be given a judgment for that portion of the total cost of the fence which is chargeable as the other party's portion of the fence, court costs and reasonable attorney's fees. Any such judgment shall be a lien on the real estate of the party against whom the judgment may be given.**

272.100. The persons appointed by the associate circuit judge [under sections 272.070 and 272.090] **pursuant to section 272.040** to discharge the duties therein specified, shall receive [one dollar] **twenty-five dollars** each per day for the time actually employed, which[, together with the fees of the associate circuit judge and sheriff,] shall be taxed as costs in the case against the parties [in proportion to their respective interests,] and collected accordingly.

272.110. Every person owning a part of a division fence shall keep **his or her portion of** the same in good repair according to the requirements of this chapter, and [when said division fence is a hedge, shall properly trim the same at least once a year, to a height not greater than four and one-half feet, and to a breadth not greater than three feet, and for the purpose of trimming said hedge as aforesaid, he shall have the right to] **may** enter upon any land lying adjacent thereto **for such purpose**. [Either party owning land adjoining a division fence or hedge may, upon the failure of any of the other parties, have all that part of such division fence belonging to such other parties repaired, upon the failure of such other party to do so, such repairing or trimming to be at the cost of the party so failing to repair or trim his part of

such fence; and the party so repairing or trimming such hedge shall always throw the brush trimmed off on his own side of such hedge; and upon neglect or refusal to keep said fence in repair, or to keep said hedge trimmed as provided in this section, such owner shall be liable in double damages to the party injured thereby, and such injured party may enforce the collection of such damages by restraining any cattle or other stock that may break in or come upon his enclosure by reason of the failure of such other party to keep his portion of such division fence in repair and proceeding therewith under the provisions of sections 270.010 to 270.200, RSMo.]

272.130. Any person aggrieved by any order or judgment of the associate circuit judge made or entered [under] **pursuant to** the provisions of [sections 272.040, 272.070 and 272.090] **section 272.040 or 272.070** may have the same reviewed in the same manner as other civil actions.

272.132. If either of two adjoining landowners does not need a fence, the landowner that needs a fence may build the entire fence and report the total cost to the associate circuit judge who shall authorize the cost to be recorded on each deed. Should the landowner that claimed no need for a fence subsequently place livestock against the fence, the landowner that built the fence shall be reimbursed for one-half the construction costs share to be determined as provided in section 272.060.

272.134. Nothing in this chapter shall prevent adjoining landowners from agreeing that no fence is needed between their property.

272.136. Nothing in this chapter shall prevent either of adjoining landowners from building the landowner or the landowner's neighbor's portion of a fence in excess of the lawful fence requirements prescribed by this chapter.

[272.150. The owners and occupiers of saltpeter works within this state shall keep the same enclosed with a good and lawful fence, so as to prevent horses, cattle and other stock that may receive injury thereby from having access thereto.]

[272.160. Every person, owner or occupier of any saltpeter works within this state, failing to secure the same, with a good and lawful fence, from horses, cattle and any kind of stock that may be injured by drinking the saltpeter water, shall be liable to an action by the party injured by such neglect for double the value of such horses, cattle or other stock injured or killed by drinking such water, to be recovered in any court having competent jurisdiction to try the same.]

[272.170. Hereafter all persons owning or running cotton gins in the state of Missouri shall keep them enclosed with a sufficient fence to keep out hogs.]

[272.180. They shall not allow the cotton seed from their gin to be scattered or thrown outside of the enclosure.]

[272.190. Any person violating the provisions of sections 272.170 and 272.180 shall be liable for all damage accruing therefrom.]

[272.200. All lands, within this state, upon which sorghum or other poisonous crops are planted shall be enclosed by the owners and occupiers with a good and lawful fence so as to prevent horses, cattle or other stock that may receive injury thereby from having access thereto; provided, that a lawful fence as used in this section shall be construed to mean such fences as are described elsewhere in this chapter and that the same penalties for damages as provided in section 272.160 shall be recoverable under this section; provided further, that this law shall not apply to counties and townships that have or may hereafter adopt a stock law.]

[272.210. As used in sections 272.210 to 272.370 the following words and terms have the following meanings:

(1) "Lawful fence", a fence with not less than four boards per four feet of height; said boards to be spaced no farther apart than twice the width of the boards used fastened in or to substantial posts not more than twelve feet apart with one stay, or a fence of four barbed wires supported by posts not more than fifteen feet apart with one stay or twelve feet apart with no stays, or any fence which is at least equivalent to the types of fences described herein;

(2) "Stay", a vertical member attached to each board or wire comprising the horizontal members of the fence.]

[272.220. All fields and enclosures in which livestock are kept or placed shall be enclosed by a lawful fence.]

[272.230. If any horses, cattle or other stock trespass upon the premises of another, the owner of the animal shall for the first trespass make reparation to the party injured for the true value of the damages sustained, to be recovered with costs before an associate circuit judge, or in any court of competent jurisdiction, and for any subsequent trespass the party injured may put up the animal or animals and take good care of them and immediately notify the owner, who shall pay to the taker-up the amount of the damages sustained, and such compensation as shall be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove them, and if the owner and taker-up cannot agree upon the amount of the damages and compensation either party may make complaint to an associate circuit judge of the county, setting forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause, and shall issue a summons to the adverse party and proceed with the cause as in other civil cases. If the owner recovers, he shall recover his costs and any damages he may have sustained, and the associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition to a general judgment and execution, he shall have a special execution against the animals to pay the judgment rendered and costs.]

[272.235. If there is a need for a fence by either of two joining landowners both shall be obligated to build and maintain a fence under the provisions of sections 272.210 to 272.370. Nothing in sections 272.210 to 272.370 shall prevent joining landowners from agreeing that no fence is needed between their property.]

[272.240. Whenever the owner of real estate desires to erect or construct a lawful fence which wholly or partially borders the land of another, he shall notify the other owner that he desires a division fence. If within ninety days after receiving the notice, the other landowner has not erected or constructed one-half of the division fence, the owner desiring the fence may apply to the associate division of the circuit court for an order to proceed with the construction and ordering the other landowner to pay one-half the value of so much thereof, as borders his land, and upon the payment shall own an undivided one-half of the fence; except that no owner shall be required to pay more than one-half the value of a lawful fence of four barbed wires, regardless of the type fence constructed. The associate division of the circuit court costs shall be taxed against the other landowner.]

[272.250. If the parties interested fail to agree as to the value of one-half of the fence, the owner of the fence may apply to a circuit or associate circuit judge of the county, who shall without delay issue an order to three disinterested householders of the township, not of kin to either party, reciting the complaint, and requiring them to view the fence, estimate the value thereof, and make return under oath to the judge on the day named in the order.]

[272.260. If the person thus assessed or charged with the value of one-half of any fence, under the provisions of sections 272.210 to 272.370 shall neglect or refuse to pay over to the owner of the fence the amount so awarded, the same may be recovered before a court of competent jurisdiction.]

[272.270. 1. The several owners may, in writing, agree upon the portion of partition fences between their lands which shall be erected and maintained by each, which writing shall describe the lands and the parts of the fences so assigned, be signed and acknowledged by them, and filed and recorded in the office of the recorder of deeds of the county or counties in which they are situated. Any such agreement shall bind the makers, their heirs and assigns.

2. When one owner desires to make a division of the fence between his land and an adjoining landowner refuses to agree to a division, then the provisions of section 272.280 may be used to effect a division which shall be recorded in the office of the recorder of deeds in the county in which most of the fence is located.]

[272.280. If the parties cannot agree as to the part each shall have and keep in repair, either of them may apply to a circuit or associate circuit judge of the county who shall forthwith summon three disinterested householders of the township to appear on the premises, giving three days' notice to each of the parties of the time and place where said viewers shall meet, and the viewers shall, under oath, designate the portion to be kept in repair by each of the parties interested, and notify them in writing of the same.]

[272.290. Whenever the fence of any owner of real estate now erected or constructed, or which shall hereafter be erected, constructed or rebuilt, the same being thereafter a fence designed to restrain swine, sheep or other animals requiring special fences, borders the land of another or which becomes a part of the fence bordering the land of another and is used to enclose such animals owned by the other person, on demand made by the person owning the fence, the other person shall pay the owner one-half of the value of so much thereof as borders his land, and upon the payment shall own an undivided half of the fence; except that no owner shall be required to pay more than the amount which would have been required to erect, construct or rebuild a lawful fence of four barbed wires on his one-half of the fence.]

[272.300. The persons appointed by the judge under sections 272.250 and 272.280 to discharge the duties therein specified, shall receive five dollars each per day for the time actually employed, which, together with the fees of the judge and sheriff, shall be taxed as costs in the case against the parties in proportion to their respective interests, and collected accordingly.]

[272.310. Every person owning a part of a division fence shall keep the same in good repair according to the requirements of sections 272.210 to 272.370. Either party owning land adjoining a division fence may, upon the failure of any of the other parties, have all that part of the division fence belonging to the other parties repaired, upon the failure of the other party to do so, the repairing to be at the cost of the party so failing to repair his part of the fence.]

[272.330. 1. The provisions of sections 272.240 to 272.350 shall apply to any division fence even though it may stand wholly upon one side of the division line.

2. The provisions of sections 272.210 to 272.370 shall not apply to counties which have all or partial open range.]

[272.340. Any person aggrieved by any order or judgment of the judge made or entered under the provisions of sections 272.250 and 272.280 may have the same reviewed by a petition in the circuit court of the county wherein the proceedings were had, verified by affidavit. A copy of the petition shall be delivered to the adverse party at least fifteen days before the commencement of the next term of the court, and the original filed in the office of the clerk; provided, that the petition may be filed within thirty days after the order or judgment was made or rendered, and not afterward.]

[272.350. The petition shall set forth the grounds of objection, and upon the filing thereof the circuit court shall be possessed of the cause, and proceed to hear and determine the objections, and make such order or judgment as may be right and just in the premises.]

[272.360. The provisions of sections 272.210 to 272.370 are hereby suspended in the several counties of this state until a majority of the legal voters of any county voting on the question at any general or special election called for that purpose shall decide to enforce the same in the county.]

[272.370. The county commission may on its own motion and shall upon the petition of one hundred real estate owners of ten acres or more of the county submit to the voters at a general or special election the proposition for the adoption by the county of the provisions of sections 272.210 to 272.370. The commission shall cause notice of the election to be published in a newspaper published within the county, or if no newspaper is published within the county, in a newspaper published in an adjoining county, for three weeks consecutively, the last insertion of which shall be at least ten days before the day of the election, and by posting printed notices thereof at three of the most public places in each township in the county. If a majority of the voters voting on the proposition vote in favor of the adoption of the provisions of sections 272.210 to 272.370 the county commission shall issue an order declaring the adoption. From and after the issuance of the order the provisions of sections 272.210 to 272.370 shall be in full force and effect in the county and the provisions of sections 272.010 to 272.140 shall be suspended in the county.]" ; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Lines 2 to 5, by deleting all of said lines and inserting in lieu thereof the following: **"if that person purposely spreads any type of contagious, communicable or infectious disease among livestock as defined in section 267.565, RSMo, or other animals.**

2. Spreading disease to livestock or animals is a class D felony unless the damage to the livestock or animals is ten million dollars or more in which case it is a class B felony."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Bill No. 462, Page 17, Section 278.300, Line 9, by inserting after all of said line the following:

"281.215. 1. There is hereby created in the state treasury the "Pesticide Project Fund". The annual registration fees imposed in section 281.260 shall be credited to the pesticide project fund. The moneys in the fund shall be used for the following purposes:

- (1) Up to ten percent for the administration of the fund;**
- (2) Up to ten percent for the pesticide education through the pesticide applicator training (PAT) program at the University of Missouri;**
- (3) Up to fifteen percent for the integrated pest management (IPM) practices through the integrated pest management program in the department of agriculture;**
- (4) Up to forty percent for the sustainable agriculture program in the department of agriculture and marketing of products carrying the AgriMissouri or successor trademark pursuant to sections 261.230 to 261.239, RSMo;**
- (5) Up to ten percent for the agriculture awareness program in the department of agriculture;**
- (6) Up to fifteen percent for pesticide and water quality monitoring projects; and**
- (7) Any remaining moneys may be used to fund other pest related issues as determined by the director.**

2. To be eligible for moneys in the pesticide project fund, the entities listed in subsection 1 of this section shall submit a proposed project plan to the director by March thirty-first prior to the fiscal year in which the moneys are to be allocated. Allocation of project moneys will be dependent upon an executed memorandum of understanding between the entity receiving the moneys and the director.

3. Within thirty days of the end of the state fiscal year in which moneys are allocated, the entities listed in subsection 1 of this section shall submit to the director a report which shall contain an accounting of all moneys expended from the pesticide project fund during such fiscal year and a report of the project or projects for which the moneys were utilized.

4. Any unobligated or unexpended project moneys allocated to an entity shall revert to the pesticide project fund within sixty days of the close of the project.

5. If an entity fails to complete a project as outlined in the project plan and memorandum of understanding, the entity shall submit partial or full payment of the allocated moneys to the pesticide project fund as determined by the director.

6. No moneys, except moneys for pesticide project fund administration, shall be withdrawn from the fund prior to July 1, 2002.

7. The maximum balance allowable in the pesticide project fund shall be two million dollars. Any moneys in excess of two million dollars shall revert to the general revenue fund at the end of the fiscal year.

8. The pesticide project fund shall be administered by the plant industries division within the department of agriculture.

281.260. 1. Every pesticide which is distributed, sold, offered for sale or held for sale within this state, or which is delivered for transportation or transported in intrastate commerce or between points within this state through any point outside of this state, shall be registered in the office of the director, and the registration shall be renewed annually.

2. The registrant shall file with the director a statement including:

(1) The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) The name of the pesticide;

(3) Classification of the pesticide; and

(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use.

3. The registrant shall pay an annual fee of [fifteen] **one hundred** dollars for each product registered in any calendar year or part thereof. The fee shall be deposited in the state treasury to the credit of the [general revenue fund] **pesticide project fund established in section 281.215**. All such registrations shall expire on December thirty-first of any one year, unless sooner canceled. A registration for a special local need pursuant to subsection 6 of this section, which is disapproved by the federal government, shall expire on the effective date of the disapproval.

4. Any registration approved by the director and in effect on the thirty-first day of December for which a renewal application has been made and the proper fee paid shall continue in full force and effect until such time as the director notifies the applicant that the registration has been renewed, or otherwise denied, in accord with the provisions of subsection 8 of this section. Forms for reregistration shall be mailed to registrants at least ninety days prior to the expiration date.

5. If the renewal of a pesticide registration is not filed prior to January first of any one year, an additional fee of [five dollars] **twenty-five percent** shall be assessed and added to the original fee and shall be paid by the applicant before the registration renewal for that pesticide shall be issued; provided, that, such additional fee shall not apply if the applicant furnishes an affidavit certifying that he **or she** did not distribute such unregistered pesticide during the period of nonregistration. The payment of such additional fee is not a bar to any prosecution for doing business without proper registry.

6. Provided the state complies with requirements of the federal government to register pesticides to meet special local needs, the director shall require that registrants comply with sections 281.210 to 281.310 and pertinent federal laws and regulations. Where two or more pesticides meet the requirements of this subsection, one shall not be registered in preference to the other.

7. The director may require the submission of the complete formula of any pesticide to approve or deny product registration. If it appears to the director that the composition and efficacy of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of sections 281.210 to 281.310, [he] **the director** shall register the pesticide.

8. Provided the state is authorized to issue experimental use permits, the director may:

(1) Issue an experimental use permit to any person applying for an experimental use permit if [he] **the director** determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide

[under] **pursuant to** sections 263.269 to 263.380. An application for an experimental use permit may be filed at the time of or before or after an application for registration is filed;

(2) Prescribe terms, conditions, and period of time for the experimental permit which shall be under the supervision of the director;

(3) Revoke any experimental permit, at any time, if [he] **the director** finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

9. If it does not appear to the director that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of sections 281.210 to 281.310 or with federal laws, [he] **the director** shall notify the registrant of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with sections 281.210 to 281.310 or with federal laws so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the pesticide be registered or, in the case of a pesticide that is already registered, that it not be canceled, the director, within ninety days, shall hold a public hearing to determine if the pesticide in question should be registered or canceled. If, after such hearing, it is determined that the pesticide should not be registered or that its registration should be canceled, the director may refuse registration or cancel an existing registration until the required label changes are accomplished. If the pesticide is shown to be in compliance with sections 281.210 to 281.310 and federal laws, the pesticide will be registered. Any appeals resulting from administrative decisions by the director will be taken in accordance with sections 536.100 to 536.140, RSMo.

10. Notwithstanding any other provision of sections 281.210 to 281.310, registration is not required in the case of a pesticide shipped from one plant or warehouse within this state to another plant or warehouse within this state when such plants are operated by the same persons.

11. The director shall not make any lack of essentiality a criterion for denying registration of a pesticide except where none of the labeled uses are present in the state. Where two or more pesticides meet the requirements of sections 281.210 to 281.310, one shall not be registered in preference to the other."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Line 5, by inserting after all of said line the following:

"Section 1. Notwithstanding any law to the contrary, all Missouri landowners retain the right to have, use, and own private water systems and ground source systems anytime and anywhere including land within city limits, unless prohibited by city ordinance, on their own property so long as all applicable rules and regulations established by the Missouri department of natural resources are satisfied. All Missouri landowners who choose to use their own private water system shall not be forced to purchase water from any other water source system servicing their community."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Bill No. 462, Page 17, Section 278.300, Line 9, by inserting immediately after said line the following:

"322.010. For the purpose of sections 322.010 to [322.080] 322.145, the following words and following phrases shall be considered and held to mean the following:

- (1) "Affected with rabies" [shall mean when manifesting the principal characteristic symptoms of rabies as described in the standard textbooks treating upon the diseases of domestic animals], **infected with the rabies virus as determined by standard laboratory testing;**
- (2) "Exposed to rabies" [shall mean], when bitten by, or fought with, or has come in close contact with a dog [showing symptoms of rabies] **or other animal shown to be infected with the rabies virus as determined by standard laboratory testing;**
- (3) "Immunized" [shall mean], immunized against rabies at the expense of the owner or custodian by the administration of antirabic virus by a licensed veterinarian; [and]
- (4) "Rabies" [shall mean], hydrophobia; **and**
- (5) "Zoonotic disease", **a dangerous disease communicable from animals to humans as determined by the department of health.**

322.140. 1. If a county does not adopt rules and regulations pursuant to sections 322.090 to 322.130, whenever an animal bites or otherwise possibly transmits rabies or any zoonotic disease, the incident shall be immediately reported to the county health department. The county health department shall immediately report the incident to the department of health and shall cooperate fully with the department of health in its investigation.

2. Upon receipt of an incident report where an animal bites or otherwise possibly transmits rabies or any zoonotic disease, the department of health shall investigate the incident and shall have discretion to order the animal quarantined, isolated, impounded, tested, immunized or disposed of to prevent and control rabies or zoonotic disease.

3. With regard to exposure to rabies or zoonotic disease the department of health shall, in its investigation and issuance of its order, consider the following:

- (1) Prior vaccinations for rabies or zoonotic disease;**
- (2) The degree of exposure to rabies or zoonotic disease;**
- (3) The history and prior behavior of the animal prior to exposure;**
- (4) The availability and effectiveness of human post-exposure immunization for rabies or zoonotic disease;**
- (5) The willingness of the individual so exposed to submit to post-exposure immunization for rabies or zoonotic disease; and**
- (6) Any other relevant information.**

4. It shall be unlawful for the owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease to knowingly fail or refuse to comply with a lawful order of the department of health declaring a quarantine, isolation, impounding, testing, immunization or disposal of an animal. It shall also be unlawful for an owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease to sell, give away, transfer, transport to another area or otherwise dispose of an animal until the animal has been released by the department of health. A violation of this subsection shall be a class A misdemeanor.

5. The owner of an animal that bites or otherwise possibly transmits rabies or any zoonotic disease shall be responsible for all costs associated with the department of health's investigation of the incident, including but not limited to:

- (1) The cost to quarantine, isolate, impound, immunize or dispose of the animal;**
- (2) The cost to test the animal for rabies or zoonotic disease;**

(3) The cost to test the exposed person for rabies or zoonotic disease; and

(4) The cost to treat the person exposed to rabies or zoonotic disease.

6. The department of health shall have authority to promulgate rules and regulations concerning the classification of disease as a zoonotic disease pursuant to subdivision (5) of section 322.010 and concerning the payment of costs associated with the department of health's investigation of the incident pursuant to subsection 5 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

7. Any moneys collected pursuant to subsection 5 of this section for costs associated with the department of health's investigation of the incident shall be collected by the department of health, who shall transmit them to the department of revenue for deposit in the state treasury to the credit of the Missouri public health services fund.

322.145. The owner of an animal that is known to have bitten or otherwise possibly transmitted rabies or any zoonotic disease shall be liable to an injured party for all damages done by the animal."; and

Further amend said bill, page 27, section 578.008, line 5, by inserting immediately after said line the following:

"578.012. 1. A person is guilty of animal abuse when a person:

(1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 578.005 to 578.023 and 273.030, RSMo;

(2) Purposely or intentionally causes injury or suffering to an animal; or

(3) Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

2. Animal abuse is a class A misdemeanor, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or the suffering involved in subdivision (2) of subsection 1 of this section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a class D felony.

[3. For purposes of this section, "animal" shall be defined as a mammal.]

578.023. 1. No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, **bear, nonhuman primate**, [or] coyote, [or] any deadly, dangerous, or poisonous reptile, **or any deadly or dangerous reptile over eight feet long**, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless such person has registered such animals with the local law enforcement agency in the county in which the animal is kept.

2. Any person violating the provisions of this section shall be guilty of a class C misdemeanor."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 462, Page 7, Section 262.800, Line 73, by deleting Lines 73,

74 and 75, and inserting in lieu thereof the following:

"tract of land until any improvement on such property is connected to the rural water supply district. At the time such connection is made, the provisions of the farmland protection act shall apply."; and

Further amend said bill, Page 8, Line 15, by adding after the word "property" the following: "These activities and conditions may already be regulated by state, federal or local law and nothing herein is meant to exempt such property from any such laws or regulations but is simply notification to purchasers that living in a rural environment does not mean you will live in an environment free of conditions you find irritating, dangerous, or unpleasant.".

HOUSE AMENDMENT NO. 12

Amend House Committee Substitute for Senate Bill No. 462, Page 9, Section 274.060, Line 27, by inserting after all of said line the following:

"278.080. 1. There is hereby established "The State Soil and Water Districts Commission" to administer for this state the soil and water conservation districts provided for by sections 278.060 to 278.300. The state soil and water districts commission shall formulate policies and general programs for the saving of Missouri soil and water by the soil and water conservation districts, and shall give consideration to the districts' needs based on their character; it shall receive and allocate or otherwise expend for the use or benefit of the soil and water conservation districts any funds appropriated by the general assembly for the use or benefit of such districts, including a soil and water conservation cost-share program; it shall receive and properly convey to the soil and water conservation districts any other form of aid extended to such districts by any other agency of this state, except that any money or other form of aid raised or provided within a soil and water district for the use or benefit of that soil and water district shall be received and administered by the governing body of that soil and water district; it shall exercise other authority conferred upon it and perform other duties assigned to it by sections 278.060 to 278.300; and it shall be the administrative agency to represent this state in these and all other matters arising from the provisions of sections 278.060 to 278.300.

2. The state soil and water districts commission shall be composed of four ex officio members and six farmer members. The six farmer members shall be appointed by the governor of Missouri with the advice and consent of the senate. Three of the farmer members shall reside in the portion of this state which is north of the Missouri River and three of the farmer members shall reside in the portion of this state which is south of the Missouri River. The membership shall be geographically dispersed with no more than one of the farmer members appointed from a state senatorial district. Not more than four of the farmer members shall be from the same political party. The ex officio members shall be the director of the department of natural resources, the director of the department of agriculture, the director of the department of conservation, and the dean of the college of agriculture of the University of Missouri. Each of the six farmer members shall be holding legal title to a farm, and shall be earning at least the principal part of the member's livelihood from a farm, all at the time of appointment to the commission. The farmer members shall each be appointed for a period of three years. All members of the commission serving as of June 27, 2000, may continue to serve the unexpired portion of the member's current term. There is no limitation on the number of terms that any of the farmer members appointed by the governor may serve. If any farmer member vacates his or her term for any reason prior to the expiration of such term, the governor may appoint a farmer member to serve for the remainder of the unexpired term. Each member of the commission shall continue to serve until the member's successor has been duly appointed and qualified.

3. The state soil and water districts commission may call upon the attorney general of the state for such legal services as it may require.

4. At its first meeting in each calendar year, the state soil and water districts commission shall select from its current members a chairman and a vice chairman. The ex officio members shall not have the power to vote on any matter before the commission. A quorum shall consist of four farmer members. For the determination of any matter within the commission's authority, at a meeting comprised of four farmer members, a concurrence of three shall be required. No business of the commission shall be executed in absence of a quorum. Each farmer member of the soil and water commission shall be entitled to expenses, including travel expenses, necessarily incurred in the discharge of his or her duties as a member of this commission. The state soil and water districts commission shall provide for the execution

of surety bonds for all of its employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all its proceedings and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of all its accounts of receipts and disbursements.

5. In addition to the authority and duty herein assigned to the state soil and water districts commission, it shall have the following authority and duty:

(1) To encourage the formation of soil and water conservation districts in areas where their establishment seems necessary and their administration seems feasible;

(2) To formulate and fix the rules and procedures for fair and impartial referendums on the establishing or disestablishment of soil and water districts and for fair and impartial selection of soil and water district supervisors;

(3) To receive petitions for the establishing of soil and water conservation districts as provided in section 278.100; to determine the validity of these petitions; to conduct hearings upon the subject of these petitions; to determine whether the establishment of a soil and water district as petitioned would be effective in the saving of soil and water within the proposed area, and whether a soil and water district if established could be feasibly administered; and, upon reaching a favorable conclusion on these matters, to call for a referendum on the establishing of the soil and water district as petitioned;

(4) To advise any soil and water conservation district in developing its program for saving the soil and water in order that such district may become eligible for any form of aid from state or federal sources;

(5) Subject to district allocations by the commission and other resources, to provide training, programs and other assistance to soil and water conservation districts to identify programs that respond to the character of the districts' needs;

(6) To obtain or accept the cooperation and financial, technical or material assistance of the United States or any of its agencies, and of this state or any of its agencies, for the work of such soil and water districts;

(7) To enter into agreements with the United States or any of its agencies on policies and general programs for the saving of Missouri soil and water by the extension of federal aid to any soil and water conservation district; to advise any soil and water conservation district; to advise any soil and water conservation district on the amount or kind of federal aid needed for the effective saving of soil and water in that district; to determine within the limits of available funds or other resources the amount or kind of state aid to be used for saving of soil and water in any soil and water conservation district; and to determine the withholding of state aid of any amount or kind from any soil and water conservation district that has failed to follow the policies of the state soil and water districts commission in any matter under the provisions of sections 278.060 to 278.300;

(8) To give such other proper assistance as the soil and water commission may judge to be useful to any soil and water district in the saving of soil and water in that district;

(9) To promulgate such rules and regulations as may be necessary to effectively administer a state-funded soil and water conservation cost-share program. Any rule or portion of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo.

6. Unless prohibited by any federal or state law, the commission may grant individual variances to any rule or regulation promulgated thereto, upon presentation of adequate proof, that compliance with sections 278.070 to 278.300, or any rule or regulation, standard, requirement, limitation or order of the commission will have an arbitrary and unreasonable impact on landowners participating in soil and water conservation eligible practices. The commission shall promulgate such rules, regulations and administrative guidelines as necessary to effectively administer this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Committee Substitute for Senate Bill No. 462, Page 10, Section 278.240, Line 7, by deleting all of said line and inserting in lieu thereof the following:

"2. Five [persons] **landowners** living within the [subdistrict] **watershed district** shall be"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 578.008, Line 6, by inserting the following:

"3. It shall be a defense to the crime of spreading disease to livestock or animals if such spreading is consistent with medically recognized therapeutic procedures.".

HOUSE AMENDMENT NO. 17

Amend House Committee Substitute for Senate Bill No. 462, Page 7, Section 262.802, Line 84-88, by deleting all of said lines; and

Further amend said bill, Page 8, Lines 89-90, by deleting all of said lines and inserting in lieu thereof the following:

"14. If a political subdivision files any action challenging the constitutionality or to have all or any portion declared null and void or for declaratory judgement of sections 262.800 to 262.810, the state shall be added as a party to any such action and the attorney general of Missouri shall defend such action. Any owner of property that is subject to the provisions of the farmland protection act shall have the right to be apprised of the status of such action. If the property owner requests separate representation in writing, the attorney general may appoint a special assistant attorney general if the property owner asserts an argument in conflict with the arguments asserted by the attorney general. Such special assistant attorney general may continue to represent the property owner for purposes of all appeals. If the political subdivision fails to prevail, whether in whole or in part, in its action, the entire cost of providing representation to the landowner, including reasonable attorney fees and costs, shall be fully reimbursed to the State of Missouri by the political subdivision.".

HOUSE AMENDMENT NO. 18

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Line 27, by inserting after all of said line the following:

"570.033. Any person who, without lawful authority, willfully takes another's animal with the intent to deprive [him] **the other** of [his] **such** property is guilty of a class [D] **C** felony." ; and

Further amend said bill in the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 19

Amend House Committee Substitute for Senate Bill No. 462, Page 27, Section 414.433, Line 27, by inserting after all of said line the following:

"**566.111. 1. For purposes of this section, the following terms mean:**

(1) "**Animal**", every creature, either alive or dead, other than a human being;

(2) "**Sexual conduct with an animal**", any touching of an animal with the genitals or any touching of the genitals

or anus of an animal for the purpose of arousing or gratifying sexual desire.

2. No person shall engage in any sexual conduct with an animal, or cause, aid or abet another person to engage in any sexual conduct with an animal. No person shall permit any sexual conduct with an animal on any premises under such person's charge or control. No person shall engage in, promote, aid or abet any activity involving any sexual conduct with an animal for commercial or recreational purposes.

3. Any person who violates this section shall be guilty of a class D felony. Any person who violates this section in the presence of a minor or causes any animal serious physical injury or death while violating or attempting to violate this section shall be guilty of a class C felony.

4. In addition to the penalty imposed, the court may:

(1) Prohibit the defendant permanently or for a reasonable time from harboring animals or residing in any household where animals are present;

(2) Order the defendant to relinquish and permanently forfeit all animals residing in the defendant's household to a recognized or duly incorporated animal shelter or humane society, and order the defendant to reimburse such shelter or humane society for all reasonable costs incurred for the care and maintenance of the animals involved in the violation of this section; and

(3) Order psychological evaluation and counseling of the defendant, at the defendant's expense.

5. Nothing in this section shall be construed to prohibit generally accepted animal husbandry practices or generally accepted veterinary medical practices performed by a licensed veterinarian or veterinary technician.

6. Any person acting under authority of this section may seize any and all animals involved in the alleged violation. The defendant charged with violating this section shall be provided a disposition hearing pursuant to section 578.018, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 353**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 353, Page 6, Section 163.011, Line 166, by placing an opening bracket "[" immediately in front of the word "except"; and

Further amend said bill, page 6, section 163.011, line 177, by placing a closing bracket "]" immediately after the word "entitlement";.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCS** for **SCS** for **SB 568**, entitled:

An Act to authorize the exchange of property interest owned by the state and certain cities.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 451**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 352**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 178**, entitled:

An Act to repeal sections 347.189 and 448.3-106, RSMo 2000, relating to ownership of property, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 345**, entitled:

An Act to repeal sections 71.285, 82.300 and 347.189, RSMo 2000, relating to property maintenance and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 515**, entitled:

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 407**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 540**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 619**, entitled:

An Act to repeal section 190.109, RSMo 2000, and to enact in lieu thereof four new sections relating to the state fair, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HB 678**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

CONCURRENT RESOLUTIONS

Senator Goode moved that **HCR 5**, with **SS** (pending), be taken up for adoption, which motion prevailed.

SS for **HCR 5** was again taken up.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Concurrent Resolution No. 5, Page 3, Line 20, by inserting immediately after the word "relevant" the following:

"with such studies to specifically include an analysis of (i) the existing and projected demands in this state for electric power and energy over the next ten years, and the basis for determining the projected demand; (ii) the adequacy and reliability of available and planned electric generation to serve the needs of customers in this state; (iii) permitting retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues; (iv) the adequacy and availability of available and planned transmission facilities used to transfer electricity into and within the state; and (v) incentives that would encourage the ongoing investment needed to ensure adequate generation and transmission capacity within the state;"; and

Further amend said Resolution, Page 4, Line 1, by inserting immediately after the word "report," the following:

"which must at a minimum include a detailed summary of the committee's analysis of the adequacy and reliability of available and planned electric generation and transmission capacity to serve the projected needs of customers in this state currently and over the next ten years and incentives for ongoing investment and allowing

retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues,"; and

Further amend said Resolution, Page 4, Line 4, by inserting immediately after the word "Assembly" the following:

"but in any event no later than December 1, 2001,".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Goode moved that **SS** for **HCR 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **HCR 5**, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senator Carter--1

HOUSE BILLS ON THIRD READING

Senator Klarich moved that **HCS** for **HB 567**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 567** was again taken up.

Senator Klarich offered **SS** for **SCS** for **HCS** for **HB 567**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 567

An Act to repeal sections 167.181, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070, 209.251, 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.147, 324.177, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600, 327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 331.090, 332.072, 332.311, 334.021, 334.047, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.615, 337.618, 337.622, 338.030, 338.043, 338.055, 338.210, 338.220, 338.285, 338.353, 339.090, 345.080, 620.010 and 621.045, RSMo 2000, relating to the division of professional registration, and to enact in lieu thereof one hundred forty-one new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Klarich moved that **SS** for **SCS** for **HCS** for **HB 567** be adopted.

Senators Schneider and Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 216, Section 620.045, Line 5, by inserting after all of said line the following:

"Section 1. 1. Notwithstanding any other provision of law, when the Division of Professional Registration intends to enter into any contract or other written agreement or approve any letter of intent for payment of money by the state in excess of one hundred thousand dollars, modification or potential reduction of a party's financial obligation to the state in excess of one hundred thousand dollars, the Division of Professional Registration shall forward a copy to the attorney general before entering into that contract, subcontract or other written agreement or approving the letter of intent.

2. Upon receiving the contract, other written agreement or letter of intent, the attorney general shall, within ten days, review and approve that contract, other written contract or letter of intent for its legal form and content as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the contract, other written agreement or letter of intent with additional proposed provisions as may be necessary to the proper enforcement of the contract as required to protect the state's legal interest. If the attorney general does not respond within ten days or, in the case of any contract that involves a payment of money by the state or a modification or potential reduction of a party's financial obligation to the state of one million dollars or more, within thirty days, the contract shall be deemed approved.

3. Communications related to the attorney general's review are attorney-client communications. The attorney general's written disposition shall be subject to chapter 610, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Sims offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 4, Section 167.181, Line 27, after the word "child" add **"s teeth"**.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 213, Section 620.010, Line 7 of said page, by inserting after all of said line the following:

"620.151. For the purpose of determining whether cause for discipline or denial exists under the statutes of any board, commission or committee within the division of professional registration, any licensee, registrant, permittee or applicant that tests positive for a controlled substance, as defined in chapter 195, RSMo, is presumed to have unlawfully possessed the controlled substance in violation of the drug laws or rules and regulations of this state, any other state or the federal government unless he or she has a valid prescription for the controlled substance. The burden of proof that the controlled substance was not unlawfully possessed in

violation of the drug laws or rules and regulations of this state, any other state or the federal government is upon the licensee, registrant, permittee or applicant." ; and

Further amend the title and enacting clause accordingly.

Senator Mathewson offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 45, Section 324.530, Line 19 of said page, by adding after said line the following:

"324.1005. 1. As used in sections 324.1005 to 324.1017, the following terms mean:

(1) "Amusement machine", any machine, device or apparatus which provides amusement, diversion or entertainment, which is coin-operated and operational results of which depend in whole or in part upon the skill of the player, regardless of whether an award is afforded to a successful player. Such phrase includes any machine, device or apparatus not otherwise excluded by this section and also includes, but is not limited to, such games as radio rifles, miniature football, golf, baseball, hockey, basketball, bumper pool, tennis, shooting galleries, pool tables, shuffleboard, pinball tables, cranes, video games, claw machines, bowling machines, countertop machines, novelty arcade machines and other miniature games, regardless of whether a score shows;

(2) "Amusement machine operator", a person engaged in the business of owning, buying, selling, renting, leasing, trading, or furnishing amusement machines to another; except that the phrase shall exclude an individual who owns and operates an amusement machine for personal use and amusement in such individual's private residence. All amusement machines owned and operated by a business or organization and located on the premises of such business or organization as of August 28, 2001, and used for the amusement of the customers or members of that business or organization, shall be exempt from the requirements and rights of amusement machine operators set forth in sections 324.1005 to 324.1017. Any additional machines which such business or organization acquires or begins to operate after August 28, 2001, shall be subject to the provisions of sections 324.1005 to 324.1017 and the business or organization shall thereafter be required to obtain a license pursuant to sections 324.1005 to 324.1017;

(3) "Award", a noncash prize, toy, item of merchandise or novelty which shall be located and redeemed solely on the premise where an amusement machine is played. The term shall exclude cash, gift certificates, intoxicating beer and liquor, nonintoxicating beer and tobacco products. The value of an award for a single play shall not exceed the greater of a single play of the amusement machine or the wholesale value of five dollars. The value of an award from an accumulation of successful plays shall not exceed a wholesale value of more than two hundred fifty dollars;

(4) "Coin-operated machine", any amuse-ment machine which is operated by placing through a slot or any kind of opening or container any coin, slug, token, paper money or other object or article necessary to be inserted before the machine operates or functions. The term does not include any machine or device which is classified by the United States government as requiring a federal gaming stamp pursuant to applicable provisions of the Internal Revenue Code;

(5) "Director", the director of the division of professional registration of the department of economic development;

(6) "Person", any individual, firm, associ-ation, company, partnership or corporation;

(7) "Redemption machine", an amusement machine from which a successful player receives a redeemable award. An immediate right of replay shall not be considered a redeemable award. No redemption machine shall act as a lottery or gift enterprise, or simulate a slot machine or any gambling game of skill or video representations which are specifically enumerated in subdivision (12) of subsection 1 of section 313.800, RSMo,

as of August 28, 1999.

2. No person shall act as an amusement machine operator without first obtaining an amusement machine operator license from the director. Such license shall be renewed biennially on or before July first of each year. The biennial fee for a license to operate amusement machines shall be set by the director at an amount necessary to cover administration costs of the licensing program established in sections 324.1005 to 324.1017, but shall not exceed one thousand five hundred dollars. The biennial fee for a license to operate any number of amusement machines only at carnivals, circuses, local or county fairs or the state fair shall be one hundred dollars for each month of such two-year period in which amusement machines are operated. Any person making an initial application for a license after January first of the year shall be charged a prorated amount of such license. A licensed amusement machine operator shall not transfer his or her license number or allow another person to use his or her license number.

3. A person may obtain an amusement machine operator license if such person has the following qualifications:

(1) Such person, if an individual, is at least twenty-one years of age, or such person, if a business, is in part owned by at least one individual who is at least twenty-one years of age;

(2) Such person, if an individual, is currently a resident of this state and has been such continuously for at least one year before the date of such person's application or, if such person is a business, is in part owned by at least one individual who is currently a resident of this state, has been such continuously for at least one year before the business's application and such person shall be the party accountable for the collection and reporting of all of the business's state taxes, fees and compliance. The residency requirement shall not apply to a person whose operation of amusement machines is limited exclusively to carnivals, circuses, local or county fairs or the state fair and shall not apply to a person who was doing business in Missouri and paying Missouri sales tax on revenues from amusement machines on or before December 31, 2000; and

(3) Such person shall show a Missouri sales tax number and proof that Missouri sales tax has been paid on all business dealings previously undertaken in this state.

4. Any person who acts as an amusement machine operator without first obtaining a license from the director may be assessed a penalty of up to one hundred dollars for each amusement machine in such person's possession and the director may seize any amusement machines in such person's possession and initiate or authorize the attorney general to initiate legal proceedings.

324.1008. All licensed amusement machine operators shall identify each of their amusement machines with a decal. Such decal shall be provided by the operator and shall contain the license number of the operator and any other information the director may require. Each amusement machine operator shall place such decal in a prominent location on each machine owned or operated by him or her.

324.1011. 1. The director is authorized to:

(1) Promulgate rules necessary to implement sections 324.1005 to 324.1017;

(2) Issue warnings, probations, suspensions and revocations to an amusement machine operator who violates sections 324.1005 to 324.1017;

(3) Prescribe all forms, applications, and licenses;

(4) Examine only those books and records of persons applying for an amusement machine operator license or of persons licensed as amusement machine operators that directly pertain to amusement machine activities, including local and state sales tax records; and may only investigate an operator of amusement machines after receiving a written complaint or request to take action from a Missouri citizen or law enforcement agency.

2. Any party aggrieved by any action of the director shall have the right to appeal to the administrative hearing

commission from any finding, order or decision of the director. Any person or entity who is a party to such a dispute shall be entitled to a hearing before the administrative hearing commission by the filing of a petition with the administrative hearing commission within thirty days after the decision of the director is placed in the United States mail or within thirty days after the decision is delivered, whichever is earlier. The decision of the director shall contain a notice of the right of appeal in substantially the following language:

If you were adversely affected by this decision, you may appeal to the administrative hearing commission. To appeal, you must file a petition with the administrative hearing commission within thirty days after the date of this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the commission. The procedures applicable to the processing of such hearings and determinations shall be those established by chapter 536, RSMo. Decisions of the administrative hearing commission pursuant to this section shall be binding subject to appeal by either party.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

324.1014. All fees provided for in sections 324.1005 to 324.1017 shall be collected by the director, who shall transmit the funds to the director of revenue to be deposited in the state treasury to the credit of the "Amusement Machine Operator License Fund" which is hereby created. The fund shall be administered by the director. Upon appropriation, money in the fund shall be used solely for the administration of sections 324.1005 to 324.1017. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, no appropriation made to the fund shall lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

324.1017. Sections 324.1005 to 324.1017 shall not become effective until expenditures are specifically appropriated or personnel are specifically authorized for the purpose of performing the duties specified therein and the initial rules filed, if appropriate, have become effective. The director shall have the authority to borrow funds from any agency within the division to commence operations upon appropriation for such purpose. This authority shall cease at such time that a sufficient fund has been established by the agency to fund its operations and repay the amount borrowed."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 45, Section 324.530, Line 19 of said page, by inserting after all of said line the following:

"324.700. As used in sections 324.700 to 324.745, unless the context provides otherwise, the following terms shall mean:

(1) "Division", the division of motor carrier and railroad safety;

(2) "House", a dwelling or other structure intended for human habitat in excess of fourteen feet in width. A

house does not include a manufactured home as defined in section 700.010, RSMo, or a modular unit;

(3) "Housemover", a person actively engaged on a full-time basis in the intrastate movement of houses on public roads and highways of this state;

(4) "Housemoving", engaging actively and directly on a full-time basis in the intrastate movement of houses on public roads and highways of this state;

(5) "Person", an individual, corporation, partnership, association or any other business entity.

324.703. All persons who engage in the business of housemoving on the roads and highways of this state shall be licensed by the division of motor carrier and railroad safety.

324.706. The division shall issue licenses to applicants meeting the following conditions:

(1) The applicant must be at least eighteen years of age and have at least twenty-four months experience in moving houses;

(2) The applicant must furnish proof that all of the vehicles to be used in the movement of houses have met the requirements of sections 307.350 to 307.400, RSMo, or its equivalent pertaining to the inspection of motor vehicles;

(3) The applicant must exhibit his federal employer's identification number; and

(4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to and collected by the division of motor carrier and railroad safety and transmitted to the director of revenue and deposited in the state treasury to the credit of the state highways and transportation fund as established in section 226.200, RSMo.

324.709. A license issued pursuant to sections 324.700 to 327.742 shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.

324.712. 1. No license shall be issued or renewed unless the applicant files with the division a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:

(1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum coverage of five hundred thousand dollars;

(2) Comprehensive general liability insurance with a minimum coverage of two million dollars, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and

(3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees.

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the division a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the division of any of the following events at least thirty days before its occurrence:

(1) Cancellation of the policy;

(2) Nonrenewal of the policy by the company; or

(3) Any change in the policy.

4. In addition to all coverages required by this section, the applicant shall file with the division a copy of either:

(1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's house for all claims for property damage arising from the movement of a house; or

(2) A policy of cargo insurance in the amount of one hundred thousand dollars.

324.715. 1. Persons licensed as housemovers shall also be required to secure a special permit, as provided for pursuant to section 304.200, RSMo, from the chief engineer of the department of highways and transportation for every move undertaken on the state highway system. The permit shall be issued by the chief engineer if the chief engineer determines that the applicant:

(1) Is properly licensed pursuant to sections 324.700 to 324.745;

(2) Has furnished the surety bond or policy of cargo insurance required by subsection 4 of section 324.712; and

(3) Is complying with such other regulations as required by the division of motor carrier and railroad safety.

2. A license shall not be required for individuals moving their own houses from or to property owned individually by those persons; however, a special permit will be required for all moves.

3. Licensed housemovers shall furnish one rear escort vehicle on interstate and other divided highways. Licensed housemovers shall provide two escorts on all multi-lane and two-lane highways, one in front and one rear.

324.718. 1. Application for a special permit to move a house must be made to the chief engineer of the department of transportation at least two days prior to the date of the move. For good cause shown, this time may be waived by the chief engineer.

2. A travel plan shall accompany the application for the special permit. The travel plan will show the proposed route, the time estimated for each segment of the move, a plan to handle traffic so that no one delay to other highway users shall exceed twenty minutes. The chief engineer shall review the travel plan and if the route cannot accommodate the move due to roadway weight limits, bridge size or weight limits, or will cause undue interruption of traffic flow, the special permit shall not be issued.

3. The applicant may submit alternate plans if desired until an acceptable route is determined. If the width of the house to be relocated is more than thirty-six feet, or if no acceptable travel plan has been filed, and the denial of the permit would cause a hardship, the application and travel plan may be submitted to the chief engineer on appeal. After reviewing the route and travel plan, the chief engineer may in his or her discretion issue the permit after considering the practical physical limitations of the route, the nature and purpose of the move, the size and weight of the house, the distance the house is to be moved, and the safety and convenience of the traveling public. A surety bond in the amount to cover the cost of any damage to the pavement, structures, bridges, roadway or other damages that may occur may be required if deemed necessary by the chief engineer.

324.721. All obstructions, including traffic signals, signs, and utility lines will be removed immediately prior to and replaced immediately after the move at the expense of the housemover, provided that arrangements for and approval from the owner is obtained.

324.724. Irrespective of the route shown on the special permit, an alternate route will be followed:

(1) If directed by a peace officer;

(2) If directed by a uniformed officer assigned to a weighing station to follow a route to a weighing device; or

(3) If the specified route is officially detoured. Should a detour be encountered, the driver shall check with the department of transportation prior to proceeding.

324.727. The house to be transported will not be loaded, unloaded, nor parked, day or night, on a highway right-of-way without specific permission from the director.

324.730. No move will be made when atmospheric conditions render visibility lower than safe for travel. Moves will not be made when highways are covered with snow or ice, or at any time travel conditions are considered unsafe by the director or highway patrol or other law enforcement officers having jurisdiction.

324.733. The permit may be voided if any conditions of the permit are violated. Upon any violation, the permit must be surrendered and a new permit obtained before proceeding. Misrepresentation of information on an application to obtain a license, fraudulently obtaining a permit, alteration of a permit, or unauthorized use of a permit will render the permit void.

324.736. All moves on streets on the municipal system of streets shall comply with local ordinances. The officer in charge of the maintenance of streets of any municipality may issue permits for the use of the streets by housemovers within the limits of such municipalities.

324.739. The speed of moves will be that which is reasonable and prudent for the load, considering weight and bulk, under conditions existing at the time.

324.742. Any person violating sections 324.700 to 324.745 or the regulations of the division or department of transportation shall be guilty of a class A misdemeanor.

324.745. 1. If any provisions of sections 324.700 to 324.745, or if the application of such provisions to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision of sections 324.700 to 324.745 other than those as to which it is held valid, shall not be affected thereby.

2. Nothing in sections 324.700 to 324.745 shall be construed to limit, modify or supercede the standards governing the intrastate or interstate movement of property pursuant to 49 U.S.C. 14501 or 49 U.S.C. 14504.

3. The provisions of sections 324.700 to 324.745 shall not apply to housemovers engaged in the interstate movement of houses. Those engaged in the interstate movement of houses, however, shall comply with all applicable provisions of federal and state law with respect to the movement of such property."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 45, Section 324.530, Line 19, by inserting after all of said line the following:

"324.750. For the purpose of sections 324.750 to 324.780, the following terms shall mean:

(1) "Department", the department of economic development;

(2) "Malpractice", failure on the part of a person certified under this chapter to exercise the degree of care, diligence and skill ordinarily exercised by naturopaths;

- (3) "Naturopath", an individual who engages in the practice of naturopathy;**
- (4) "Naturopathic client", an individual who receives services from a naturopath;**
- (5) "Naturopathy", a distinct system of noninvasive health practice in which neither surgery nor drugs are used, consisting instead of assessment, education, counseling and natural health modalities including, but not limited to, the use of foods, food extracts, vitamins, minerals, enzymes, digestive aids, herbs, botanical substances, homeopathic preparations, aromatherapy, air, water, touch, heat, cold, sound, light, iridology and exercise to help stimulate and maintain the body's intrinsic self-healing process;**
- (6) "Psychometrically valid and reliable", developed on the basis of role delineation, validation, reliability, passing point, and sensitivity review factors, according to generally accepted standards.**

324.753. 1. No individuals may represent themselves as certified to practice naturopathy in this state without first complying with this chapter.

2. Individuals certified pursuant to this chapter shall have the exclusive right to use the term certified in conjunction with the following titles and terms: "Naturopath", "Naturopathic", "Naturopathy" and "Naturopathic health care".

324.756. Individuals certified pursuant to this chapter are authorized to practice naturopathy in conjunction with the term "certified".

324.759. Naturopaths certified pursuant to this chapter may not:

- (1) Prescribe, dispense, administer or make any recommendations pertaining to any legend or controlled substance as defined in the federal Controlled Substance Act, United States Code, Title 21, Sections 801 to 971;**
- (2) Perform surgical procedures;**
- (3) Practice emergency medicine, except as a Good Samaritan rendering gratuitous services in the case of emergency and except for the care of minor injuries;**
- (4) Practice or claim to practice medicine, surgery, osteopathy, dentistry, podiatry, optometry, chiropractic, physical therapy or obstetrics;**
- (5) Recommend discontinuance of medically prescribed treatments;**
- (6) Engage in sexual contact with a naturopathic client or former client, engage in contact that may be reasonably interpreted by a client as sexual, engage in any verbal behavior that is seductive or sexually demeaning to the patient, or engage in sexual exploitation of a client or former client. For the purposes of this subdivision, "former client" means a person who has obtained services from the naturopath within the past two years;**
- (7) Use advertising that is false, fraudulent, deceptive or misleading;**
- (8) Reveal a communication from, or relating to, a naturopathic client except when otherwise required or permitted by law;**
- (9) Fail to comply with a naturopathic client's request made pursuant to section 324.765 or to furnish a naturopathic client's record or report required by law;**
- (10) Split fees or promise to pay a portion of a fee to any other professional other than for services rendered by the other professional to the naturopathic client;**
- (11) Fail to provide a naturopathic client with a copy of the client bill of rights or violation of any provisions of**

the client bill of rights;

(12) Fail to provide a naturopathic client with a recommendation that the client see a licensed health care provider; or

(13) Use the title "doctor", "Dr." or "physician" alone or in combination with any other words, letters or insignia to describe the naturopathic practices provided by individuals certified pursuant to this chapter.

324.762. 1. The department may adopt such rules as are necessary to carry out the purposes of this chapter including, but not limited to, investigation of complaints, imposition of sanctions from suspension of certification to revocation of certification. The department shall also establish fees based on its estimates of the revenue required to administer this chapter.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

324.765. 1. A person certified pursuant to this chapter may use the titles set forth in section 324.753.

2. All persons certified pursuant to this chapter shall provide to each naturopathic client prior to providing services a written copy of the naturopathic client bill of rights. A copy must also be posted in a prominent location in the office of the naturopath. Reasonable accommodations shall be made for those clients who cannot read or who have communication impairments and those who do not speak English. The naturopathic client bill of rights shall include the following:

(1) The name, title, business address and telephone number of the individual certified pursuant to this chapter;

(2) The degrees, training, experience or other qualifications of the practitioner regarding the naturopathic services being provided, followed by the following statement in bold print:

"THE STATE OF MISSOURI HAS NOT ADOPTED ANY EDUCATIONAL AND TRAINING STANDARDS FOR CERTIFIED NATUROPATHS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY. Under Missouri law, a certified naturopath may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. If a client desires a diagnosis from a licensed health care provider, the client may seek such services at any time.";

(3) The name, business address and telephone number of the practitioner's supervisor, if any;

(4) Notice that a naturopathic client has the right to file a complaint with the practitioner's supervisor, if any, and the procedure for filing complaints;

(5) The name, address and telephone number of the department and notice that a client may file complaints with the department;

(6) The practitioner's fees per unit of service, the practitioner's method of billing for such fees, the names of any insurance companies that have agreed to reimburse the practitioner, or health maintenance organizations with whom the practitioner contracts to provide service, whether the practitioner accepts medicare, medical assistance or general assistance medical care, and whether the practitioner is willing to accept partial payment, or to waive payment, and in what circumstances;

(7) A statement that the client has a right to reasonable notice of changes in services or charges;

- (8) Notice that the client has a right to complete and current information concerning the practitioner's assessment and recommended service that is to be provided, including the expected duration of the service to be provided;**
- (9) A statement that the client may expect to be treated courteously at all times;**
- (10) A statement that client's records are confidential, unless release of these records is authorized in writing by the client, or otherwise provided by law;**
- (11) A statement of the client's right to be allowed access to records and written information from records in accordance with section 324.765;**
- (12) A statement that the client has the right to choose freely among available practitioners and to change practitioners after services have begun; or**
- (13) A statement that the client has a right to coordinated transfer when there will be a change in the provider of services.**

324.768. 1. Prior to the provision of any services, a naturopathic client must sign a written statement attesting that the client has received the naturopathic client bill of rights.

2. The department shall issue a certificate to practice naturopathy together with the rights and privileges set forth herein to anyone who passes the exam in subsection 3 of this section, pays the required annual fees established by the department, is twenty-one years of age and is of good moral character.

3. An applicant for certification shall pass any one of the following examinations provided it is psychometrically valid and reliable:

- (1) The examination offered by the American Board of Naturopathic Examiners (ABNE), a nonprofit corporation;**
- (2) The examination offered by the Natural Health Examination and Certification Board (NHECHB), a nonprofit corporation; or**
- (3) Any other examination that tests naturopathy as defined in this chapter and which is approved by the department. The examination may be passed prior to the effective date of this section.**

324.771. 1. Nothing in this chapter may be construed to prohibit or to restrict:

- (1) The practice of a profession by individuals who are licensed, certified or registered under other laws of this state who are performing services within their authorized scope of practice;**
- (2) An individual from administering a domestic or family remedy;**
- (3) Persons from furnishing nutritional information or engaging in the explanation to customers about foods, food materials, vitamins, herbs or other dietary supplements in connection with the marketing, sale or distribution of those products;**
- (4) Any person certified pursuant to this chapter from engaging in the marketing and distribution of food and food materials, vitamins, herbs or other dietary supplements;**
- (5) A person or group who disseminates information or literature relating to the benefits or preparation of food, food materials or dietary or food supplements;**
- (6) A person or group who gives speeches, conducts seminars or teaches classes in natural health;**

(7) A person or group who conducts exercise, fitness or weight control programs;

(8) A person or group who is traditionally recognized in the community as a provider of naturopathic advice including, but not limited to, a curandero or medicine man or woman, and who advises people according to or based on cultural practices;

(9) A person who practices animal nutrition;

(10) A person who practices midwifery.

2. This chapter recognizes that many of the techniques and modalities used in naturopathy including, but not limited to, the use of nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as heat, cold, water, touch, light and iridology are not the exclusive privilege of persons certified under this chapter, and their use by persons not certified by this chapter to assess, educate, advise and counsel others is not prohibited by this chapter and does not constitute the practice of medicine.

3. Nothing in this chapter shall be construed to interfere with the religious practices or observances of a religion or religious organization, nor to prevent any person from caring for the sick in accordance with tenets and practices of any church or religious denomination which teaches reliance upon spiritual means through prayer for healing.

324.774. The provisions of sections 324.750 to 324.777 are severable. If any part of sections 324.750 to 324.777 is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

324.777. 1. There is hereby created the "Missouri Naturopathic Advisory Committee", to be composed of five members to be appointed by the department.

2. The naturopathic advisory committee shall:

(1) Assist the department in conducting examinations for applicants of naturopathic certification;

(2) Advise the department on all matters pertaining to the certification of naturopaths;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections 324.750 to 324.770 or regulations promulgated pursuant thereto and make recommendations to the department for action;

(4) Follow the provisions of the department's administrative practice procedures in conducting all official duties.

3. Each naturopathic advisory committee member shall:

(1) Be a citizen of the United States and a resident of the state of Missouri for five years next preceding appointment; and

(2) Be comprised of three certified naturopaths except for initial appointees; and

(3) One member shall be a physician duly licensed by the Missouri state board for the healing arts; and

(4) One member shall be a general public member.

4. Except for the initial appointees, members shall hold office for terms of six years. The department shall designate one member for a term expiring in 2001, one member for a term expiring in 2002, one member for a term expiring in 2003, one member for a term expiring in 2004, and one member for a term expiring in 2005. In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the department in the same manner as the other appointments."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion failed.

Senator Singleton offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 157, Section 334.047, Line 7 of said page, by inserting after all of said line the following:

- "334.480. 1. For purposes of sections 334.480 to 334.495, the term "board" shall mean the board of registration for the healing arts.**
- 2. There is hereby established an "Advisory Commission for Emergency Medical Technicians" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 334.483, and shall assist the board in carrying out the provisions of sections 334.483 to 334.495.**
- 3. The commission shall consist of nine members appointed by the board. Each member shall be a citizen of the United States and a resident of this state. Three members of the commission shall be physicians, licensed pursuant to this chapter, two members shall be nurses licensed pursuant to chapter 332, RSMo, two members shall be emergency medical technicians licensed pursuant to this chapter and two members shall be paramedics. Members shall be appointed to serve three-year staggered terms. The membership of the commission shall reflect the differences in levels of education, work experience and geographic residence.**
- 4. No member of the commission shall be entitled to any compensation for the performance of the member's official duties, but each shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties. All staff and funding for the commission shall be provided by the board of registration for the healing arts.**
- 5. The commission shall hold quarterly meetings and may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.**
- 6. The board of registration for the healing arts may remove a commission member for misconduct, incompetency or neglect of the member's official duties after giving the member written notice of the charges against such member and an opportunity to be heard thereon.**
- 334.483. 1. The board shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The board may authorize investigations into criminal records in other states for any applicant.**
- 2. The board shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 334.480 to 334.495 and the rules adopted by the board pursuant to sections 334.480 to 334.495. The board may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:**
- (1) Age requirements;**
 - (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the board through rules adopted pursuant to sections 334.480 to 334.495;**
 - (3) Initial licensure testing requirements;**

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the board in rules adopted pursuant to sections 334.480 to 334.495. The application form shall contain such information as the board deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 334.480 to 334.495 and rules promulgated pursuant to sections 334.480 to 334.495.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician;

(2) Ordered by a physician or set forth in protocols approved by the medical director; and

(3) In an emergency situation providing pre-hospital care, during emergency care in an emergency department of a health care facility, or inter-hospital and nonemergency transports, notwithstanding other provisions of law.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the board.

6. All patients transported in a supine position in a vehicle other than an ambulance shall receive an appropriate level of care. The board shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for a fee.

7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

334.486. The renewal of any license shall require conformance with sections 334.480 to 334.495 and rules adopted by the board pursuant to sections 334.480 to 334.495.

334.489. 1. The board may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 334.480 to 334.495 for failure to comply with the provisions of sections 334.480 to 334.495 or any lawful regulations promulgated by the board to implement its provisions as described in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate, permit or license required by sections 334.480 to 334.495 or any person who has failed to renew or has surrendered his or her certificate, permit or license for failure to comply with the provisions of sections 334.480 to 334.495 or any lawful regulations promulgated by the board to implement such sections. Those regulations shall be limited to the following:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by sections 334.480 to 334.495;

- (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to sections 334.480 to 334.495, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;**
- (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate, permit or license issued pursuant to sections 334.480 to 334.495 or in obtaining permission to take any examination given or required pursuant to sections 334.480 to 334.495;**
- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;**
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any activity licensed or regulated by sections 334.480 to 334.495;**
- (6) Violation of, or assisting or enabling any person to violate, any provision of sections 334.480 to 334.495, or of any lawful rule or regulation adopted by the board pursuant to sections 334.480 to 334.495;**
- (7) Impersonation of any person holding a certificate, permit or license or allowing any person to use his or her certificate, permit, license or diploma from any school;**
- (8) Disciplinary action against the holder of a license or other right to practice any activity regulated by sections 334.480 to 334.495 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;**
- (9) For an individual being finally adjudged insane or incompetent by a court of competent jurisdiction;**
- (10) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by sections 334.480 to 334.495 who is not licensed and currently eligible to practice pursuant to sections 334.480 to 334.495;**
- (11) Issuance of a certificate, permit or license based upon a material mistake of fact;**
- (12) Violation of any professional trust or confidence;**
- (13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;**
- (14) Violation of the drug laws or rules and regulations of this state, any other state or the federal government.**

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit.

4. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all the requirements of sections 334.480 to 334.495 relative to the licensing of an applicant for the first time.

5. The board may notify the proper licensing authority of any other state in which the person whose license was suspended or revoked was also licensed of the suspension or revocation.

6. Any person, organization, association or corporation who reports or provides information to the board pursuant to the provisions of sections 334.480 to 334.495 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

7. The board may suspend any certificate, permit or license required pursuant to sections 334.480 to 334.495 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the board finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate or permit to the board. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the board within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the board, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.

334.492. Any person aggrieved by an official action of the board affecting the licensed status of a person pursuant to the provisions of sections 334.480 to 334.495, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the board."; and

Further amend said bill, Page 5, Section 167.181, Line 16, by inserting after all of said line the following:

"[190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) Initial licensure testing requirements;

(4) Continuing education and relicensure requirements; and

(5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. All levels of emergency medical technicians may perform only that patient care which is:

(1) Consistent with the training, education and experience of the particular emergency medical technician; and

(2) Ordered by a physician or set forth in protocols approved by the medical director.

5. No person shall hold themselves out as an emergency medical technician or provide the services of an emergency medical technician unless such person is licensed by the department.
6. All patients transported in a supine position in a vehicle other than an ambulance shall receive an appropriate level of care. The department shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for a fee.]" and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Loudon offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 3, Section A, Line 4 of said page, by inserting after all of said line the following:

"109.120. 1. The head of any business, industry, profession, occupation or calling, or the head of any state, county or municipal department, commission, bureau or board may cause any and all records kept by such official, department, commission, bureau, board or business to be photographed, microphotographed, photostated or transferred to other material using photographic, video, or electronic processes, **including a computer-generated electronic or digital retrieval system**, and the judges and justices of the several courts of record within this state may cause all closed case files more than five years old to be photographed, microphotographed, photostated, or transferred to other material using photographic, video, or electronic processes, **including a computer-generated electronic or digital retrieval system**. Such reproducing material shall be of durable material and the device used to reproduce the records shall be such as to accurately reproduce and perpetuate the original records in all details and ensure their proper retention and integrity in accordance with standards established by the state records commission.

2. The cost of reproduction of closed files of the several courts of record as provided herein shall be chargeable to the county and paid out of the county treasury wherein the court is situated.

3. When any recorder of deeds in this state is required or authorized by law to record, copy, file, recopy, replace or index any document, plat, map or written instrument, the recorder may do so by photostatic, photographic, microphotographic, microfilm, or electronic process, **including a computer-generated electronic or digital retrieval system**, which produces a clear, accurate and permanent copy of the original, provided they meet the standards for permanent retention and integrity as promulgated by the local records board. The reproductions so made may be used as permanent records of the original. When microfilm or electronic reproduction is used as a permanent record by recorder of deeds, duplicate reproductions of all recorded documents, indexes and files required by law to be kept by the recorder shall be made and one copy of each document shall be stored in a fireproof vault and the other copy shall be readily available in the recorder's office together with suitable equipment for viewing the record by projection to a size not smaller than the original and for reproducing copies of the recorded or filmed documents for any person entitled thereto. In all cases where instruments are recorded pursuant to this section by microfilm or electronic process, any release, assignment or other instrument affecting a previously recorded instrument by microfilm or electronic process shall be filed and recorded as a separate instrument and shall be cross-indexed to the document which it affects.

109.241. The head of each local agency shall:

(1) Submit within six months after a call to do so from the secretary of state in accordance with standards established by the local records board and promulgated by the director of records management and archives, schedules proposing the length of time each local records series warrants retention for administrative, legal, historical or fiscal purposes after it has been received or created by the local agency;

(2) Submit lists of local records that are not needed in the transaction of current business and that do not have

sufficient administrative, legal, historical or fiscal value to warrant their further retention;

(3) Cooperate with the director in the conduct of surveys made by the director pursuant to the provisions of sections 109.200 to 109.310;

(4) When files in the custody of a local governmental agency are microfilmed or otherwise reproduced through photographic, video, electronic, or other reproduction processes, **including a computer-generated electronic or digital retrieval system**, the public official having custody of the reproduced records shall, before disposing of the originals, certify to the director that the official has made provisions for preserving the microfilms or electronically created records for viewing and recalling images to paper or original form, as appropriate, and that the official has done so in a manner guaranteeing the proper retention and integrity of the records in accordance with standards established by the local records board. Certification shall include a statement, written plan, or reputable vendor's certificate, as appropriate, that any microfilm or document reproduced through electronic process meets the standards for archival permanence established by the United States of America Standards Institute or similar agency, or local records board. If records are microfilmed, original camera masters shall not be used for frequent reference or reading purposes, but copies shall be made for such purposes."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 192, Section 338.210, Line 5, by deleting the words "symbol "RX", or the" on said line.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Singleton assumed the Chair.

Senator Steelman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 56, Section 324.1120, Line 16, by inserting immediately at the end of said line of said page the following:

",

(6) Create any video recording of an individual in their domicile without the individual's permission. Furthermore, if such video recording is made, it shall not be admissible as evidence in any civil proceeding."

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 129, Section 327.631, Line 22 of said page, by inserting the following:

"327.700. 1. In any action against a licensed professional for damages or injuries due to the rendering of or failure to render professional services, the plaintiff or plaintiff's attorney shall file an affidavit with the court stating that the plaintiff or plaintiff's attorney has obtained the written opinion of a legally qualified like

licensed professional which states that the defendant licensed professional failed to use such care as a reasonably prudent and careful licensed professional would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. The affidavit shall state the qualifications of the like licensed professional to offer such opinion.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. The affidavit shall be filed no later than ninety-five days after the filing of the petition unless the court, for good cause shown, orders that such time be extended.

5. If the plaintiff or his attorney fails to file the affidavit, the court may, upon motion of any party, dismiss the action against such moving party without prejudice.

6. For purposes of this act, the term "licensed professional" shall mean every licensed architect, professional engineer, land surveyor or any corporation authorized to render any of the aforementioned professional services. This section shall not apply to any "health care provider" as that term is defined in section 538.205, RSMo.

7. The provisions of this section shall not apply to actions filed in small claims court pursuant to chapter 482, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion failed.

Senator House offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 167, Section 334.890, Line 20 of said page, by inserting after all of said line the following:

"335.018. 1. As used in section 376.1190, RSMo, "registered nurse first assistant" means any person practicing in this state as a registered nurse who is licensed pursuant to this chapter and who:

(1) Is certified by a nationally recognized professional organization for registered nurse first assistants; or

(2) Meets the criteria for registered nurse first assistants established by the Missouri state board of nursing or criteria for certified medical technologist established by the board of healing arts.

2. (a) The Missouri state board of nursing shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional nursing organization certifications will be recognized for registered nurse first assistants and establishing the criteria a registered nurse must satisfy to use the title of registered nurse first assistant if the nurse is not certified by a nationally recognized professional nursing organization as a registered nurse first assistant.

(b) The Missouri board of healing arts shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional surgical technologist certificates will be recognized for registered surgical technologists.

3. All insurance companies shall refer to this section for the definition of a registered nurse first assistant in order to determine whether such services provided qualify for reimbursement. This section shall not be construed to mandate coverage for services provided by a registered nurse first assistant, however reimbursement for services provided by a registered nurse first assistant shall not be denied based on lack of statutory recognition."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Mathewson, Schneider and Wiggins.

SA 12 failed of adoption by the following vote:

YEAS--Senators			
House	Jacob	Schneider	Singleton
Steelman--5			
NAYS--Senators			
Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Sims
Westfall	Wiggins--22		
Absent--Senators			
Childers	Rohrbach	Scott	Staples
Stoll	Yeckel--6		
Absent with leave--Senator Carter--1			

Senator House offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 167, Section 334.890, Line 20 of said page, by inserting after all of said line the following:

"335.018. 1. As used in section 376.1190, RSMo, "registered nurse first assistant" means any person practicing in this state as a registered nurse who is licensed pursuant to this chapter and who:

(1) Is certified by a nationally recognized professional organization for registered nurse first assistants; or

(2) Meets the criteria for registered nurse first assistants established by the Missouri state board of nursing or criteria for certified medical technologist established by the board of healing arts.

2. (a) The Missouri state board of nursing shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional nursing organization certifications will be recognized for registered nurse first assistants and establishing the criteria a registered nurse must satisfy to use the title of registered nurse first assistant if the nurse is not certified by a nationally recognized professional nursing organization as a registered nurse first assistant.

(b) The Missouri board of healing arts shall promulgate rules pursuant to chapter 536, RSMo, specifying which professional surgical technologist certificates will be recognized for registered surgical technologists.

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion failed.

Senator Jacob offered **SA 14**:

SENATE AMENDMENT NO. 14

"172.036. 1. Due to the need for continuing communication between educators and the professionals being trained in Missouri's educational institutions, four persons, one from each campus of the University of Missouri, who meet the qualifications established in this section shall be appointed by the governor, with the advice and consent of the senate, as faculty member representatives to the board of curators of the University of Missouri, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee for each campus from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of that campus. Such faculty member representative shall have the same powers as the other members of the board of curators, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board of curators for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the University of Missouri, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 172.040.

174.056. 1. There shall be a faculty representative to the board of regents of each educational institution referred to in section 174.020, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of the institution. Such faculty member representative shall have the same powers as the other members of the board of regents, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the institution, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board of a particular institution for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor, pursuant to subsection 1 of this section, shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the institution, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of regents receive pursuant to section 174.100.

174.610. [1.] The governing board of the Truman State University shall be a board of governors consisting of [ten] eleven members, composed of seven voting members and [three] four nonvoting members as provided in section

174.620, who shall be appointed by the governor of Missouri, by and with the advice and consent of the senate. No person shall be appointed a voting governor who is not a citizen of the United States and who has not been a resident of the state of Missouri for at least two years next prior to [his] **such person's** appointment. Not more than four voting governors shall belong to any one political party. The appointed members of the board of regents serving on January 1, 1986, shall become members of the board of governors on January 1, 1986, and serve until the expiration of the terms for which they were appointed.

[2. The board of regents of the Truman State University is abolished.]

174.620. 1. The board of governors shall be appointed as follows:

(1) Four voting members [shall be selected] from the counties of Adair, Audrain, Boone, Callaway, Chariton, Clark, Howard, Knox, Lewis, Lincoln, Linn, Marion, Macon, Monroe, Montgomery, Pike, Putnam, Ralls, Randolph, St. Charles, Schuyler, Scotland, Shelby, Sullivan, and Warren, provided that not more than one member shall be appointed from the same county [of these aforementioned counties];

(2) Three voting members [shall be selected] from any of the seven college districts as contained in section 174.010, provided that no more than one member shall be appointed from the same congressional district;

(3) Two nonvoting members whose residence is other than the state of Missouri and who are knowledgeable of the educational mission of liberal arts institutions [shall be selected]; [and]

(4) One nonvoting member who is a student shall be selected as provided in section 174.055; **and**

(5) One nonvoting member who is a faculty member shall be selected as provided in section 174.622.

2. The term of service of the governors shall be as follows:

(1) The voting members shall be appointed for terms of six years; except, that of the voting members first appointed, two shall serve for terms of two years, two for terms of four years, and three for terms of six years;

(2) The nonvoting members who are not students **or faculty members** shall be appointed for terms of six years; except, that of the nonvoting members first appointed, one shall serve for a term of three years, and one shall serve a term of six years; and

(3) The nonvoting student member shall serve a two-year term as provided in section 174.055, **and the nonvoting faculty member shall serve a three-year term as provided in section 174.622.**

3. The governors while attending the meetings of the board shall receive their actual and necessary expenses, which shall be paid out of the ordinary revenues of the university. Vacancies in terms of office caused by death, resignation or removal shall be filled in the manner provided by law for such vacancies on the board of curators of the [State] University of Missouri.

174.622. 1. There shall be a faculty representative to the board of governors of Truman State University, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of Truman State University. Such faculty member representative shall have the same powers as the other members of the board of governors, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty

member representative to the board for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of governors receive pursuant to section 174.620.

175.022. 1. There shall be a faculty representative to the board of curators of Lincoln University, appointed by the governor, with the advice and consent of the senate, who shall attend all meetings and participate in all deliberations of the board. The governor shall select an appointee from a panel of three nominees selected by the faculty council, the faculty senate or equivalent faculty organization of Lincoln University. Such faculty member representative shall have the same powers as the other members of the board of curators, except that such faculty member representative shall not have the right to vote on any matter before the board.

2. Such faculty member representative shall be a full-time tenured faculty member at the university, a citizen of the United States, and a resident of the state of Missouri.

3. The term of the faculty member representative shall be three years. No person shall serve as the faculty member representative to the board for more than two terms.

4. If a vacancy occurs for any reason in the position of faculty member representative, the governor shall appoint, pursuant to subsection 1 of this section, a replacement who meets the qualifications set forth in subsection 2 of this section.

5. If the faculty member representative ceases to be a full-time faculty member at the university, or a resident of the state of Missouri, such position shall at once become vacant.

6. The faculty member representative shall receive the same reimbursement for expenses as other members of the board of curators receive pursuant to section 175.030."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 14** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Klarich offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 122, Section 327.603, Lines 9-15, by deleting the following:

"Nothing in sections 327.600 to 327.635 shall be construed to require licensing of employees of the state of Missouri or its political subdivisions while engaged in the practice of landscape architecture for the state of Missouri or a political subdivision of the state, provided the project does not jeopardize the public health, safety and welfare."; and

Further amend said section, line 16, by inserting after the word "prohibit" the following:

"employees of the state when working for the state or its political subdivisions or".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Page 212, Section 620.010, Line 19 of said page, by striking the bracket; and amend page 213, lines 1 to 7, by striking the bracket on line one and all the bold face type in said lines.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SS** for **SCS** for **HCS** for **HB 567**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **HCS** for **HB 567**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Kenney
Klarich	Klindt	Loudon	Mathewson
Russell	Schneider	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senators

Bland	Childers	Johnson	Kinder
Quick	Rohrbach	Singleton--7	

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Klarich
Klindt	Loudon	Mathewson	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--23	

NAYS--Senators

Caskey	Cauthorn	Childers	Johnson
Kinder	Quick	Rohrbach	Russell
Singleton--9			

Absent--Senator Schneider--1

Absent with leave--Senator Carter--1

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Gross assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 201**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 58**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 303**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 610**, entitled:

An Act to repeal sections 52.300, 54.330, 137.100 and 141.610, RSMo 2000, and to enact in lieu thereof five new sections relating to political subdivisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 13**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 543**, entitled:

An Act to repeal section 165.011, RSMo 2000, relating to transfers of funds in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 575**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 274**, entitled:

An Act to repeal sections 50.1000, 50.1230 and 50.1250, RSMo 2000, relating to certain county employees' retirement systems, and to enact in lieu thereof three new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 406**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 197**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 307**, entitled:

An Act to repeal sections 139.031, 140.010 and 140.730, RSMo 2000, and to enact in lieu thereof three new sections relating to property taxes.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 348**, entitled:

An Act to repeal sections 453.010, 453.070, 453.080 and 475.083, RSMo 2000, relating to the adoption of foster children, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 538**, entitled:

An act to repeal sections 443.803, 443.805, 443.809, 443.810, 443.812, 443.819, 443.821, 443.825, 443.827, 443.833,

443.839, 443.841, 443.849, 443.851, 443.855, 443.857, 443.859, 443.863, 443.867, 443.869, 443.879, 443.881 and 443.887, RSMo 2000, relating to mortgages and mortgage brokers, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to concur in **HCS** for **SB 610** and request the House to recede from its position, and failing to do so grant the Senate a conference thereon, which motion prevailed.

Senator Westfall moved that the Senate refuse to concur in **HCS** for **SB 462**, as amended, and request the House to recede from its position, and failing to do so grant the Senate a conference thereon, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 328** and **88**, with **SCS**; and **HB 453**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Rohrbach assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 30, 2001 for your advice and consent:

Eddie F. Brown, 106 Seabrook Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 27, 2001 for your advice and consent:

W. Dudley McCarter, 338 Peekskill, St. Louis, St. Louis County, Missouri 63141, as a member of the Children's Trust Fund Board, for a term ending September 15, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 20, 2001 for your advice and consent:

Daniel L. Vornberg, 556 Purdue, St. Louis, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 30, 2001 for your advice and consent:

Wayman F. Smith, III, Democrat, 6159 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HCS** for **HB 824**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HS** for **HCS** for **HBs 924, 714, 685, 756, 734 and 518**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 769**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HS** for **HB 612**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 621**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 621, Page 1, Section 217.900, Line 12, by inserting at the end of said line the following: "**No elected or appointed official of the state of Missouri or of any city or county in this state shall be appointed to the commission.**"; and

Further amend said bill and section, Page 2, Lines 29 to 31, by striking all of said lines and inserting in lieu thereof the following: "**penitentiary**";.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 262**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 262, Page 1, Section 160.067, Line 7, by inserting immediately before the word "No" the following: "**Except as otherwise provided by federal law**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 262, Page 1, Section In the Title, Line 2, by striking "one new section" and insert in lieu thereof "two new sections"; and

Further amend said bill and page, section A, line 1, by striking "one new section" and insert in lieu thereof "two new sections"; and further amend line 2 by inserting immediately after "160.067" the following: "and 610.033"; and

Further amend said bill, page 2, line 15, by inserting after all of said line the following:

"610.033. In addition to the requirements established pursuant to the federal Family Educational Rights and Privacy Act, an institution of higher education shall not disclose to a parent or guardian of a student who is eighteen years of age or older any information regarding a violation of any federal, state or local law or rule, or any rule or policy of such institution, regardless of whether such information is contained in the student's education records. The provisions of this section shall not apply if the records are requested through subpoena or judicial order or if the student is financially dependent, as defined in Section 152 of the federal Internal Revenue Code of 1954. Any student may waive the right granted in this section by signing a consent form for such disclosures with the institution at which he or she is enrolled at the beginning of each academic year."

Senator Steelman, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HS** for **HCS** for **HB 327**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 219**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Rohrbach assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HBs 280, 69, 497** and **689**--Local Government and Economic Development.

HCS for **HB 780**--Local Government and Economic Development.

HCS for **HB 279**--Public Health and Welfare.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 730, regarding Barbara J. Cox, Chillicothe, which was adopted.

Senator Cauthorn offered Senate Resolution No. 731, regarding Marilyn Schweitzer Schoonover, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 732, regarding Nancy E. Forquer, Kirksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 733, regarding Dianne King, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 734, regarding Ronda E. Adkins, Atlanta, which was adopted.

Senator Cauthorn offered Senate Resolution No. 735, regarding Linda Ruth Basler Ellis, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 736, regarding Donald R. Dixon, Macon, which was adopted.

Senator Gross offered Senate Resolution No. 737, regarding Hyatt Bangert, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 738, regarding Paul Daniel Lyons, St. Ann, which was adopted.

Senator Stoll offered Senate Resolution No. 739, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ronald B. Jarvis, Pevely, which was adopted.

Senator Gibbons offered Senate Resolution No. 740, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard J. Zaegel, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 741, regarding the Butler Senior Center, Butler, which was adopted.

Senator Kinder offered Senate Resolution No. 742, regarding Dennis Marchi, Cape Girardeau, which was adopted.

Senator Westfall offered Senate Resolution No. 743, regarding the Aurora FFA Chapter, Aurora, which was adopted.

Senator Childers offered Senate Resolution No. 744, regarding Matt Franker, which was adopted.

Senator Stoll offered Senate Resolution No. 745, regarding the Rock Community Volunteer Fire Association, Arnold, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Yeckel introduced to the Senate, Clara Wimberley and her son, Robert, St. Louis; and Robert was made an honorary page.

Senator Kinder introduced to the Senate, the Physician of the Day, Dr. Christopher H. Jung, M.D., Cape Girardeau.

Senator Caskey introduced to the Senate, Carol Bohl and fifteen eighth grade students and their sponsors from Harrisonville Christian School, Harrisonville.

Senator Gibbons introduced to the Senate, fourth grade students from Hudson School, Rock Hill.

Senator Bentley introduced to the Senate, Karen Best, Linda Johnson, Mrs. Bell, Mrs. Nave, Mrs. Rainey and fourth grade students from Truman Elementary School, Springfield.

Senator Bentley introduced to the Senate, Lynn Miller, principal, Emily Buff, teacher and students from Ed V. Williams School.

Senator Sims introduced to the Senate, Beth McCracken, Springfield.

The President introduced to the Senate, his daughter, Shannon Maxwell, Mexico.

On motion of Senator Kenney, the Senate adjourned until 1:00 p.m., Monday, May 7, 2001.

SENATE CALENDAR

SIXTY-SEVENTH DAY-MONDAY, MAY 7, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 981 &
665-Willoughby

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334 &

228-Kinder

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS

HOUSE BILLS ON THIRD READING

1. HS for HB 381-Hoppe,

with SCS (Kenney)

(In Budget Control)

2. HB 444-Kreider, et al,

with SCA 1 (Wiggins)

3. HS for HB 421-Hoppe,

with SCS (Kinder)

4. HB 385-Franklin, with

SCS (Foster)

5. HCS for HBs 205, 323

& 549, with SCS

(Childers)

6. HB 662-Green (73) and
St. Onge, with SCS
(Foster)
7. HS for HCS for HB 425-
O'Toole (DePasco)
8. HB 285-Riback Wilson,
et al (Jacob)
9. HB 120-O'Connor, with
SCS (Caskey)
10. HB 163-Berkowitz and
Wagner (Westfall)
11. HB 471-Jolly, et al,
with SCS (Wiggins)
12. HB 626-Hosmer, with
SCS (Bentley)
13. HS for HCS for HB 107-
Clayton, with SCS
(Klarich)
(In Budget Control)
14. HCS for HB 50, with
SCS (Stoll)
(In Budget Control)
15. HCS for HBs 754, 29,
300 & 505 (Bentley)
(In Budget Control)
16. HB 185-Legan, et al,
with SCS (Gross)
17. HCS for HB 738
(Klarich)

18. HCS for HBs 441, 94 &
244 (Johnson)
19. HB 453-Ransdall, et al,
with SCS (Steelman)
20. HB 501-Bowman, et al,
with SCS (Steelman)
(In Budget Control)
21. HCS for HB 581, with
SCS (Klindt)
22. HB 133-Gambaro, with
SCS (Yeckel)
23. HCS for HB 241, with
SCS (Caskey)
24. HS for HCS for HBs 328 &
88-Harlan, with SCS (Sims)
25. HB 70-Koller, with
SCA 1 (Staples)
26. HB 16-Green, with SCS
(Russell)
27. HB 17-Green, with SCS
(Russell)
28. HB 678-Seigfreid, with SCS
29. HS for HCS for HB 824-
Abel (Mathewson)
30. HS for HCS for HBs 924,
714, 685, 756, 734 &
518-Wiggins, with SCS
(Mathewson)

31. HB 769-Harlan (House)

32. HS for HB 612-Ladd

Baker, with SCS (Sims)

33. HB 621-Gratz and

Vogel, with SCA 1 (Rohrbach)

34. HB 262-Linton, et al,

with SCAs 1 & 2

(Klarich)

35. HS for HCS for HB 327-

Rizzo, with SCS

36. HB 219-Townley, et al,

with SCS (Cauthorn)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et
al, with SCS (pending)

SB 239-Stoll, with SCS &
SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with
SCS (pending)

SB 331-DePasco, et al,
with SCS & SS for SCS
(pending)

SB 373-Gibbons and Yeckel,
with SCS

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

SB 438-Bentley and Stoll,
with SS, SS for SS &
SA 1 (pending)

SB 445-Singleton, with
SCS & SS for SCS
(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,
with SCS

SBs 459, 305, 396 & 450-
Westfall, with SCS &
SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 593-Klindt, with SCS

SJR 11-Yeckel HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS

(pending) (Kenney)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HS for HCS for HB 762-

Barry, with SCS, SS

for SCS & SA 2

(pending) (Sims and Stoll)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with SS,

SA 1 & point of order

(pending) (Yeckel) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HCS for HB 106 (Bland)

HB 431-Barry (Singleton)

HB 52-Ward and Crump,

with SCAs 1 & 2 (Staples)

HB 945-Hosmer, with SCS (Bentley)

HB 420-Williams, et al

(Westfall)

HB 458-Lawson, et al

(Klindt)

HB 470-Shields and

Hegeman (Johnson)

HBs 648, 477 & 805-

Ostmann, et al, with

SCS (Westfall)

HB 691-Barnett, et al,

with SCS (Klindt)

HB 897-Kreider, et al

(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al

(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with

SCS (Rohrbach)

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 130-Bland, with HCS

SCS for SB 178-Schneider

and Rohrbach, with HCS

SS for SB 193-Rohrbach,

with HCS, as amended

SS for SCS for SB 267-

Klarich, with HS for

HCS, as amended

SB 274-Caskey, with HCS

SB 307-Jacob, with HCS

HS for SS for SCS for SBs

323 & 230-Childers

SB 345-House, with HCS

SB 348-Sims, with HCS

SB 353-Johnson, with

HCA 1

SCS for SB 515-Yeckel,

with HCS

SB 538-Yeckel, with HCS

SB 543-Foster, with HCS

SCS for SB 568-Mathewson,

with HCS

SCS for SB 619-Mathewson,

with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,
as amended (Russell)

HCS for HB 11, with SCS,
as amended (Russell)

HCS for HB 12, with SCS
(Russell)

HCS for HB 13, with SCS
(Russell)

HCS for HB 18, with SCS,
as amended (Russell)

HCS for HB 19, with SCS
(Russell)

HB 491-George, with SCS

(Goode) Requests to Recede or Grant Conference

SCS for SB 151-Childers, with HCS

(Senate requests House
recede or grant conference)

SB 462-Westfall, with HCS,
as amended

(Senate requests House
recede or grant conference)

SB 610-Westfall, with HCS

(Senate requests House
recede or grant conference) RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt (House)

SR 495-Klarich, with SCS

HCR 24-Boucher, with SCS

(Yeckel) Reported from House with Amendments

SS for SCR 13-Foster,

with HCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SEVENTH DAY--MONDAY, MAY 7, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Unless the LORD builds the house, those who build it labor in vain." (Psalm 127:1)

Holy God, King of the Universe, let us never forget You are the architect and builder less we be filled with pride that makes us stumble in our efforts to accomplish what You direct us to fulfill in these closing two weeks of this session. Lead us in letting You, the Master Builder, direct our hearts, thoughts and actions as we seek to obey Your directions. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Kenney moved that the Senate Journal for Thursday, May 3, 2001, be corrected on Page 1008, Column 1, Line 22, by adding after said line the following:

"Senator Klarich moved that the above amendment be adopted, which motion prevailed.", which motion prevailed.

On motion of Senator Kenney, the Journal for Thursday, May 3, 2001, was read and approved, as corrected.

Senator Kenney requested unanimous consent of the Senate to correct the Senate Journal for Wednesday, May 2, 2001, on Page 1016, Column 1, Line 20, by adding after the word "**request**" the following: "**and have a hearing and the results of such hearing be reduced**", which request was granted.

Photographers from KRCG-TV, KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel--33

Absent with leave--Senator Carter--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 746, regarding the Southeast Missouri Hospital Foundation and the Southeast Missouri Hospital Auxiliary, Cape Girardeau, which was adopted.

Senator Sims offered Senate Resolution No. 747, regarding Elizabeth L. Hoeltzle, St. Clair, which was adopted.

Senator Yeckel offered Senate Resolution No. 748, regarding Derek Lawrence Weiss, St. Louis, which was adopted.

Senator Sims offered Senate Resolution No. 749, regarding Dr. David L. Cronin, St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 750, regarding Matthew Lowell Hermanson, Liberty, which was adopted.

Senator Quick offered Senate Resolution No. 751, regarding Brandon Scott Swanson, Liberty, which was adopted.

Senator Bentley offered Senate Resolution No. 752, regarding Joshilyn Cardin Barnes, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 753, regarding Robert M. Baird, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 754, regarding Linda K. Thomas, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 755, regarding Willis H. Melgren, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 756, regarding Don Beebe, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 757, regarding Kay Johnson, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 758, regarding Jim Jaeger, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 759, regarding Pat Walker, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 760, regarding Alicia Hoyt, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 761, regarding Kenny Ross, Springfield, which was adopted.

Senator Klarich offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 762

WHEREAS, the members of the Missouri Senate proudly pause to recognize those special young people who have exemplified the finest qualities of citizenship and leadership by taking an active part in state government; and

WHEREAS, Daniel Graves, a student at Southeast Missouri State University in Cape Girardeau, has distinguished himself as an Intern for the Honorable David Klarich, State Senator from the Twenty-sixth District; and

WHEREAS, Daniel Graves joined the staff of Senator Klarich for the First Regular Session of the Ninety-first General Assembly as part of the Missouri State Intern Program at the state capitol in Jefferson City, a program designed to involve college students in the legislative process through active participation; and

WHEREAS, Daniel Graves has experienced the opportunity to observe firsthand the inner workings of state government and has gained valuable insight into the process by which laws are made; and

WHEREAS, Daniel Graves has successfully demonstrated his abilities in the performance of such duties as conducting research, serving as legislative aide and session attendant, helping with constituent services, and assuming various other responsibilities to make the office of Senator

Klarich run as smoothly as possible; and

WHEREAS, Daniel Graves has earned recognition as a valuable asset to Senator Klarich and the entire Missouri Legislature through the application of knowledge and skills acquired prior to his tenure as an Intern and a variety of visible new skills which will be of tremendous value in the job market:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby proudly join the Honorable David Klarich in commending Daniel Graves for his many important contributions to our State Legislature during the current session, and further extend to him our very best wishes for continued success and happiness in all future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Daniel Graves, as a measure of our gratitude.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 763

WHEREAS, the members of the Missouri Senate always welcome the opportunity to acknowledge milestone events in the careers of Show-Me State professionals whose tireless work has improved the lives and health of countless citizens; and

WHEREAS, Donald E. Clark, D.P.M., of Joplin is observing the Fiftieth Anniversary of the establishment of his medical practice, an achievement for which he enjoys distinction as the oldest practicing podiatrist in the state of Missouri; and

WHEREAS, a military veteran who served in a medical detachment during four major European campaigns in World War II, Dr. Clark attended Case Western Reserve University in Cleveland, Ohio, and graduated from Ohio College of Podiatry in Cleveland on June 2, 1951; and

WHEREAS, licensed on July 7, 1951, to practice podiatry in Missouri, Dr. Clark established his ongoing private practice later that year in Joplin, where he has also served area residents as a member of the City Council from 1962 to 1978 and from 1982 to the present, as Mayor from 1985 to 1990, and as a member of the Jasper County Mental Health Board; and

WHEREAS, Dr. Clark is active in the American Legion; Veterans of Foreign Wars; Elks Lodge; Masonic Blue Lodge 345, AF&AM; and the Scottish Rite and Shrine; and

WHEREAS, a private pilot who first soloed on July 16, 1957, Dr. Clark has served as Chairman of the Joplin Airport Board and has received numerous awards and honors for his community involvement, including recognition for historic preservation work in downtown Joplin and outstanding service during the city's centennial celebration; and

WHEREAS, Dr. Clark's leadership has also been evident in his service to state government as Trustee and Disability Chairman for Missouri LAGERS and as a member and President of the Missouri State Board of Podiatric Medicine, to which he had been privileged to receive appointments by Governors Joseph P. Teasdale, John Ashcroft, and Mel Carnahan:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the exceptional career and impressive life of Dr. Donald Clark and to convey to him our heartiest congratulations and best wishes upon attaining the Golden Anniversary of his medical practice in podiatry; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Donald E. Clark, D.P.M., of Joplin, Missouri.

HOUSE BILLS ON THIRD READING

HCS for HB 106, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a state systemic lupus erythematosus program in the department of health.

Was called from the Consent Calendar and taken up by Senator Bland.

On motion of Senator Bland, **HCS for HB 106** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Russell	Schneider--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

HB 431, introduced by Representative Barry, entitled:

An Act to repeal section 190.500, RSMo 2000, relating to health care licensure, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Singleton.

On motion of Senator Singleton, **HB 431** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Russell	Schneider--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 52, with **SCAs 1 and 2**, introduced by Representatives Ward and Crump, entitled:

An Act to repeal section 56.066, RSMo 2000, relating to full-time prosecutors, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 52**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins--28
NAYS--Senators--None			
Absent--Senators			
Kinder	Russell	Schneider	Singleton
Yeckel--5			
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Scott	Staples	Steelman	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Kenney	Kinder	Quick	Schneider
Sims	Singleton	Stoll--7	
Absent with leave--Senator Carter--1			

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 945, with **SCS**, introduced by Represen-tative Hosmer, entitled:

An Act to repeal section 495.455, RSMo 2000, relating to juror pay, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

SCS for **HB 945**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 945

An Act to repeal sections 488.429 and 494.455, RSMo 2000, relating to funding for court services, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS for HB 945** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS for HB 945** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

HB 420, introduced by Representative Williams, et al, entitled:

An Act to repeal section 302.138, RSMo 2000, relating to motorcycle safety education.

Was called from the Consent Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **HB 420** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick

Rohrbach	Russell	Scott	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Schneider	Sims--3	
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Select Committee on Redistricting, submitted the following report:

Mr. President: Your Select Committee on Redistricting, to which was referred **SB 586**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

PRIVILEGED MOTIONS

Senator Bland moved that **SB 130**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 130**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 130

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor control.

Was taken up.

Senator Bland moved that **HCS** for **SB 130** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--27	
	NAYS--Senators		
Gibbons	Gross	Loudon	Rohrbach
Yeckel--5			
	Absent--Senator Russell--1		
	Absent with leave--Senator Carter--1		

On motion of Senator Bland, **HCS** for **SB 130** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	House	Jacob	Johnson
Kenney	Klarich	Klindt	Mathewson
Quick	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--26		

NAYS--Senators

Gibbons	Gross	Kinder	Loudon
Rohrbach	Yeckel--6		
Absent--Senator Russell--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schneider moved that **SCS** for **SB 178**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 178**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 178

An Act to repeal sections 347.189 and 448.3-106, RSMo 2000, relating to ownership of property, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **HCS** for **SCS** for **SB 178** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Caskey--1

Absent--Senators--None

Absent with leave--Senator Carter--1

On motion of Senator Schneider, **HCS** for **SCS** for **SB 178** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Caskey--1

Absent--Senators

Jacob Quick--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Klarich moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 267**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Foster moved that **SB 543**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 543**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 543

An Act to repeal section 165.011, RSMo 2000, relating to transfers of funds in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Foster moved that **HCS** for **SB 543** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator Carter--1

On motion of Senator Foster, **HCS** for **SB 543** was read the 3rd time and passed by the following vote:

YEAS--Senators

Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Gross	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Yeckel--25			

NAYS--Senators

Bentley	Caskey	Goode	House
Mathewson	Stoll	Wiggins--7	

Absent--Senator Bland--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Johnson moved that **SB 353**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Rohrbach	Russell	Staples
Steelman	Stoll	Westfall	Wiggins--20

NAYS--Senators

Caskey	DePasco	Dougherty	Goode
Loudon	Mathewson	Quick	Schneider
Sims	Singleton	Yeckel--11	

Absent--Senators

Bland
Scott--2

Absent with leave--Senator Carter--1

On motion of Senator Johnson, **SB 353**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	DePasco
Foster	Gibbons	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Rohrbach	Russell
Staples	Steelman	Stoll	Westfall
Wiggins--21			

	NAYS--Senators		
Caskey	Dougherty	Goode	Loudon
Mathewson	Quick	Sims	Singleton
Yeckel--9			
	Absent--Senators		
Bland	Schneider	Scott--3	
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator House moved that **SB 345**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 345**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 345

An Act to repeal sections 71.285, 82.300 and 347.189, RSMo 2000, relating to property maintenance and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator House moved that **HCS** for **SB 345** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Staples--1		
	Absent--Senators		
Scott	Singleton--2		
	Absent with leave--Senator Carter--1		

On motion of Senator House, **HCS** for **SB 345** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Scott--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Yeckel moved that **SCS** for **SB 515**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 515**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 515

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was taken up.

Senator Yeckel moved that **HCS** for **SCS** for **SB 515** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Quick	Schneider	Stoll--3
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Absent with leave--Senator Carter--1

On motion of Senator Yeckel, **HCS** for **SCS** for **SB 515** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Schneider	Singleton	Stoll--3
Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Yeckel moved that **SB 538**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 538**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 538

An Act to repeal sections 443.803, 443.805, 443.809, 443.810, 443.812, 443.819, 443.821, 443.825, 443.827, 443.833, 443.839, 443.841, 443.849, 443.851, 443.855, 443.857, 443.859, 443.863, 443.867, 443.869, 443.879, 443.881 and 443.887, RSMo 2000, relating to mortgages and mortgage brokers, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Yeckel moved that **HCS** for **SB 538** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senator Bland--1

Absent--Senators

Staples--2

Absent with leave--Senator Carter--1

Jacob

On motion of Senator Yeckel, **HCS** for **SB 538** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that **SCS** for **SB 568**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 568**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 568

An Act to authorize the exchange of property interest owned by the state and certain cities.

Was taken up.

Senator Mathewson moved that **HCS** for **SCS** for **SB 568** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins--31	

NAYS--Senators--None

Absent--Senators

Staples

Yeckel--2

Absent with leave--Senator Carter--1

On motion of Senator Mathewson, **HCS** for **SCS** for **SB 568** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mathewson moved that **SCS** for **SB 619**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 619**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 619

An Act to repeal section 190.109, RSMo 2000, and to enact in lieu thereof four new sections relating to the state fair, with an emergency clause.

Was taken up.

Senator Mathewson moved that **HCS** for **SCS** for **SB 619** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

On motion of Senator Mathewson, **HCS** for **SCS** for **SB 619** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Rohrbach moved that the Senate refuse to concur in **HCS** for **SS** for **SB 193**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HB 381**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCS** for **SCS** for **SB 382**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SB 382**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

HOUSE BILLS ON THIRD READING

HB 16, with **SCS**, introduced by Represen-tative Green (73), entitled:

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2001 and ending June 30, 2003.

Was taken up by Senator Russell.

SCS for **HB 16**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 16

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2001 and ending June 30, 2003.

Was taken up.

Senator Russell moved that **SCS** for **HB 16** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Russell, **SCS** for **HB 16** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Steelman	Stoll

Westfall	Wiggins	Yeckel--27	
	NAYS--Senator Sims--1		
	Absent--Senators		
Klarich	Quick	Schneider	Singleton
Staples--5			
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell requested unanimous consent of the Senate to allow the Senate conferees on Appropriations to meet while the Senate is in session, which request was granted.

HB 17, with **SCS**, introduced by Represen-tative Green (73), entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up by Senator Russell.

SCS for **HB 17**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 17

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

Was taken up.

Senator Russell moved that **SCS** for **HB 17** be adopted.

Senator Russell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 17, Page 36, Section 17.220, Line 9, by deleting the number "\$1,500,000" and inserting in lieu thereof the number "\$1,000,000".

Senator Russell moved that the above amendment be adopted, which motion prevailed.

Senator Russell moved that **SCS** for **HB 17**, as amended, be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **HB 17**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Klarich	Quick	Staples--3	
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **HS** for **HCS** for **HBs 924, 714, 685, 756, 734** and **518**, with **SCS**; **HS** for **HCS** for **HB 824**; **HS** for **HB 612**, with **SCS**; and **HS** for **HCS** for **HB 327**, with **SCS**, to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

Senator Sims moved that **HS** for **HCS** for **HB 762**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

Senator Jacob offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House bill No. 762, Pages 15-19, Section 354.900, by striking said section from the bill and inserting in lieu thereof the following:

"376.1199. 1. Each health carrier or health benefit plan that offers or issues health benefit plans providing obstetrical/gynecological benefits, which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall:

(1) Notwithstanding the provisions of subsection 4 of section 354.618, RSMo, provide enrollees with direct access to the services of a participating obstetrician, participating gynecologist or participating obstetrician/ gynecologist of her choice within the provider network for covered services. The services covered by this subdivision shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician, gynecologist or obstetrician/ gynecologist, including but not limited to diagnosis, treatment and referral for such services. A health carrier shall not impose additional copayments, coinsurance, or deductibles upon any enrollee who seeks or receives health care services pursuant to this subdivision, unless similar additional copayments, coinsurance, or deductibles are

imposed for other types of health care services received within the provider network. Nothing in this subsection shall be construed to require a health carrier to perform, induce, pay for, reimburse, guarantee, arrange, provide any resources for or refer a patient for an abortion, as defined in section 188.015, RSMo, other than a spontaneous abortion or to prevent the death of the female upon whom the abortion is performed, or to supersede or conflict with section 376.805;

(2) Notify enrollees annually of cancer screenings covered by the enrollees' health benefit plan and the current American Cancer Society guidelines for all cancer screenings or notify enrollees at intervals consistent with current American Cancer Society guidelines of cancer screenings which are covered by the enrollees' health benefit plans. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification;

(3) Include coverage for services related to diagnosis, treatment and appropriate management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically indicated for such individual. In determining whether testing or treatment is medically appropriate, due consideration shall be given to peer reviewed medical literature. A policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services; and

(4) If a health benefit plan provides coverage for pharmaceutical benefits, provide coverage for contraceptives either at no charge or at the same level of deductible, coinsurance or copayment as any other covered drug. No such deductible, coinsurance or copayment shall be greater than any drug on the health benefit plan's formulary. As used in this section, "contraceptive" shall include all prescription drugs and devices approved by the federal Food and Drug Administration for use as a contraceptive, but shall exclude all drugs and devices that are intended to induce an abortion, as defined in section 188.015, RSMo, which shall be subject to the provisions of section 376.805. Nothing in this subdivision shall be construed to exclude coverage for prescription contraceptive drugs or devices ordered by a health care provider with prescriptive authority for reasons other than contraceptive or abortion purposes.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

4. Notwithstanding the provisions of subdivision (4) of subsection 1 of this section to the contrary:

(1) Any health carrier may issue to any person or entity purchasing a health benefit plan, a health benefit plan that excludes coverage for contraceptives if the use or provision of such contraceptives is contrary to the moral, ethical or religious beliefs or tenets of such person or entity;

(2) Upon request of an enrollee who is a member of a group health benefit plan and who states that the use or provision of contraceptives is contrary to his or her moral, ethical or religious beliefs, any health carrier shall issue to or on behalf of such enrollee a policy form that excludes coverage for contraceptives. Any administrative costs to a group health benefit plan associated with such exclusion of coverage not offset by the decreased costs of providing coverage shall be borne by the group policyholder or group plan holder;

(3) Any health carrier which is owned, operated or controlled in substantial part by an entity that is operated pursuant to moral, ethical or religious tenets that are contrary to the use or provision of contraceptives shall be exempt from the provisions of subdivision (4) of subsection 1 of this section.

For purposes of this subsection, if new premiums are charged for a contract, plan or policy, it shall be determined to be a new contract, plan or policy.

5. Except for a health carrier that is exempted from providing coverage for contraceptives pursuant to this section, a health carrier shall allow enrollees in a health benefit plan that excludes coverage for contraceptives pursuant to subsection 4 of this section to purchase a rider to the health benefit plan that includes coverage for contraceptives.

6. Any health benefit plan issued by a health carrier described in subdivision (3) of subsection 4 of this section and any group health benefit plan issued pursuant to subsection 1 of this section shall provide clear and conspicuous written notice on the enrollment form or any accompanying materials to the enrollment form and the group health benefit plan contract:

(1) Whether coverage for contraceptives is or is not included;

(2) That an enrollee who is a member of a group health benefit plan with coverage for contraceptives has the right to exclude coverage for contraceptives if such coverage is contrary to his or her moral, ethical or religious beliefs; and

(3) That an enrollee who is a member of a group health benefit plan without coverage for contraceptives has the right to purchase coverage which includes coverage for contraceptives.

7. Health carriers shall not disclose to the person or entity who purchased the health benefit plan the names of enrollees who exclude coverage for contraceptives in the health benefit plan or who purchase a rider to the health benefit plan that includes coverage for contraceptives. Health carriers and the person or entity who purchased the health benefit plan shall not discriminate against an enrollee because the enrollee excluded coverage for contraceptives in the health benefit plan or purchased a rider to the health benefit plan that includes coverage for contraceptives.

8. The department of insurance may promulgate rules necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted, which motion prevailed.

Senators Klarich and Schneider offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 20, Section 376.1209, Line 26, by inserting after all of said line the following:

"Section 1. 1. Notwithstanding any other provision of law, when the Department of Insurance intends to enter into any contract or other written agreement or approve any letter of intent for payment of money by the state in excess of one hundred thousand dollars, modification or potential reduction of a party's financial obligation to the state in excess of one hundred thousand dollars, the Department of Insurance shall forward a copy to the attorney general before entering into that contract, subcontract or other written agreement or approving the letter of intent.

2. Upon receiving the contract, other written agreement or letter of intent, the attorney general shall, within ten days, review and approve that contract, other written contract or letter of intent for its legal form and content as may be necessary to protect the legal interest of the state. If the attorney general does not approve, then the attorney general shall return the contract, other written agreement or letter of intent with additional proposed provisions as may be necessary to the proper enforcement of the contract as required to protect the state's legal interest. If the attorney general does not respond within ten days or, in the case of any contract that involves a

payment of money by the state or a modification or potential reduction of a party's financial obligation to the state of one million dollars or more, within thirty days, the contract shall be deemed approved.

3. Communications related to the attorney general's review are attorney-client communications. The attorney general's written disposition shall be subject to chapter 610, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 20, Section 376.1209, Lines 16-17, by deleting all of said lines and inserting in lieu thereof the following: **"insurer, then the new policy shall provide coverage for prosthetic devices or reconstructive surgery and such coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to a mastectomy and all other terms and conditions applicable to other benefits under the new policy."**

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 20, Section 376.1209, Line 23, by inserting at the end of said line the following: **"short-term major medical policies of six months or less duration,"**.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 1, In the Title, Line 3 of said title, by striking "women's health services" and inserting in lieu thereof the following: "the department of health"; and

Further amend said bill, page 1, section A, line 4, by inserting immediately after said line the following:

"192.1010. 1. There is hereby established within the department of health, the "Life Sciences Research Program". The program shall be administered by the director of the department of health based upon the recommendations of the "Life Sciences Research Board", which is hereby created. The program shall consist of grant awards from moneys appropriated from the "Life Sciences Research Fund", which is hereby created in the state treasury. The grant awards shall be designed to achieve the goals stated in subsection 4 of this section.

2. The life sciences research board shall consist of eight members who shall be appointed in the following manner:

(1) Each member shall be appointed by the governor with the advice and consent of the senate for a term of six years, except for the terms of the initial members. The board shall select its own chairperson from among its members;

(2) The members of the board shall be generally familiar with the life sciences and current research trends and developments, with either technical or scientific expertise in life sciences, and with an understanding of the application of the results of life sciences research;

(3) Two initial members of the life sciences research board shall be appointed to two-year terms. Three initial members shall be appointed to a four-year term. The remaining three initial members shall be appointed to six-year terms. All subsequent appointees shall be appointed to six-year terms;

(4) No member of the life sciences research board shall serve more than two consecutive full six-year terms on the board;

(5) The director of the department of health shall be a member of the board;

(6) The director of the office of minority health shall be a non-voting member of the board.

3. The life sciences research board shall solicit, collect and prioritize proposed research initiatives for consideration for funding by the board.

4. The life sciences research board shall take applications for grants-in-aid in order to increase the capacity and infrastructure for quality life sciences research in the state of Missouri and to improve the quantity and quality of life sciences research. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to health research in human safety development and aging, cancer, endocrine, cardiovascular, neurological including nerve regeneration, pulmonary, diagnostic disease and infectious disease, and nutrition and food safety.

5. The applications shall be designed by the department of health in consultation with the board and shall contain information necessary to determine the potential benefits of grants-in-aid to be awarded, as well as other information deemed necessary for the administration of this program. The grant application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of 192.1010 to 192.1030. The department of health shall not approve a grant award unless the department makes specific written findings that such research project shall be conducted in compliance with sections 192.1010 to 192.1030. The grant application and the grant award shall be a public record within the meaning of chapter 610, RSMo. The department of health shall promulgate rules in accordance with chapter 536, RSMo, to implement the provisions of this subsection.

6. The department of health shall provide facilities, equipment, administrative and technical support services and administrative staff.

7. In determining projects to authorize, the life sciences research board shall consider the potential of any proposal to bring both health and economic benefit to the people of Missouri.

8. The life sciences research board shall have the authority to:

(1) Award research grants;

(2) Enter into contracts relating to research;

(3) Adopt research standards;

(4) Promulgate rules governing the administration of research programs, research grants, research contracts and licensing contracts, and the reimbursement of costs, utilization of intellectual property rights, conflict of interest guidelines, consistent with sections 192.1010 to 192.1035;

(5) Make provision for peer review panels to recommend and review research projects;

(6) Contract for administrative and technical support services;

(7) Lease or acquire facilities and equipment;

(8) Employ administrative staff; and

(9) Receive, disburse and administer any funds appropriated to it.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 192.1010 to 192.1035 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. The rulemaking authority granted in such sections and the provisions of chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

192.1015. The life sciences research board shall make provision for and secure from the state auditor or outside certified public accounting firm an annual audit of its financial affairs and the funds expended from the life sciences research account. The audit shall be performed on a fiscal year basis. Any audit shall be paid for by moneys expended from the life sciences research fund, whether performed by the state auditor or outside certified public accounting firm. The board will make copies of each audit publicly available. Every three years the board with assistance of its staff or independent contractors as determined by the board shall prepare a comprehensive report assessing the work and progress of the life sciences research program. Such assessment report shall analyze the impact of the board's programs and research performed, shall be provided to the governor and members of the general assembly and shall be publicly available.

192.1020. Grant awards made by the life sciences research board shall provide for the reimbursement of costs. Whether reimbursement of particular costs will be allowed depends on the application of a four-part test balancing, which shall include:

(1) The reasonableness of the cost;

(2) The connection to the grant;

(3) The consistency demonstrated in assigning costs to the grant; and

(4) Conformance with the particular terms and conditions of the award.

192.1025. Grant recipients have an obligation to preserve research freedom, to ensure timely disclosure of their research findings to the scientific community, including through publications and presentations at scientific meetings, and to promote utilization, commercialization and public availability of their inventions and other intellectual property developed in the performance of research funded by a grant award. Institutions or organizations receiving grant awards shall retain all right, title and interest, including all intellectual property rights, in and to any and all inventions, ideas, data, improvement, modifications, discoveries, know-how, creations, copyrightable material, trade secrets, methods, processes, discoveries and derivatives, whether patentable or not, which are made in the performance of work under a grant award. The life sciences research board may, however, adopt reasonable regulations to insure that any such intellectual property rights are utilized reasonably and in a manner which is in the public interest.

192.1030. 1. Notwithstanding the provisions of sections 192.1010 to 192.1025, no grant awards shall be paid, granted, or used, to subsidize in whole or in part:

(1) Abortion services; or

(2) Destructive human research; or

(3) Development of drugs or chemicals intended to be used to induce an abortion; or

(4) Human cloning.

2. For the purposes of this section:

(1) "Abortion services" shall mean performing or inducing, assisting in performing or inducing, or referring a woman for, an abortion, except when necessary to save the life of the mother;

(2) "Child" if in utero, shall mean the same as an unborn child, as defined in section 188.015, RSMo; and if ex utero, shall mean a human being at any of the stages of biological development of an unborn child from conception onward;

(3) "Destructive human research" shall mean research in which there is the taking or utilization of the organs, tissue or cellular material of a:

(a) Deceased child, unless consent was given the manner provided pursuant to sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent caused the death of such child or consented to someone causing the death of such child; or

(b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;

(4) "Facilities and administrative costs" shall mean those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;

(5) "Grant awards" shall mean awards of state funds pursuant to sections 192.1010 to 192.1030;

(6) "Human cloning" shall mean the replication of a human being genetically identical to another human being;

(7) "Research project" shall mean research specified in the grant award conducted under the auspices of the institution or institutions that applied for and received such grant award pursuant to sections 192.1010 to 192.1030, regardless of whether the research is funded in whole or part by such grant award. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease, and nutrition and food safety. Such research may also include research and development on product safety and preventative care technologies.

3. No grant awards shall be paid or granted pursuant to sections 192.1010 to 192.1030 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, destructive human research, the development of drugs or chemicals intended to be used to induce an abortion or human cloning. A research project that receives a grant award shall not share costs with another research project, person or entity not qualified to receive a grant award pursuant to sections 192.1010 to 192.1030; provided, however, the research project that receives a grant award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 192.1015 shall also certify compliance with this section.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the department of health, its officers or employees, in a circuit court of proper venue to enforce the provisions of this section.

5. Sections 192.1010 to 192.1030 shall not be construed to permit or make lawful any conduct that is otherwise

unlawful under the laws of this state.

6. All of the provisions of sections 192.1010 to 192.1025 are severable; provided, however, the provisions of section 192.1030 are not severable from the provisions of sections 192.1010 to 192.1025. If any provision of sections 192.1010 to 192.1025 is found to be invalid, unenforceable or unconstitutional, the remaining provisions of sections 192.1010 to 192.1025 shall be and remain valid. However, if any provision of section 192.1030 shall be found to be invalid, unenforceable or unconstitutional, all the provisions of sections 192.1010 to 192.1025 shall be invalid and unenforceable."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 15, Section 208.151, Line 6, by inserting after all of said line the following:

"354.400. As used in sections 354.400 to 354.535, the following terms shall mean:

(1) "Basic health care services", health care services which an enrolled population might reasonably require in order to be maintained in good health, including, as a minimum, emergency care, inpatient hospital and physician care **and chiropractic care, as defined in chapter 331, RSMo**, and outpatient medical **and chiropractic** services;

(2) "Community-based health maintenance organization", a health maintenance organization which:

(a) Is wholly owned and operated by hospitals, hospital systems, physicians, or other health care providers or a combination thereof who provide health care treatment services in the service area described in the application for a certificate of authority from the department of insurance;

(b) Is operated to provide a means for such health care providers to market their services directly to consumers in the service area of the health maintenance organization;

(c) Is governed by a board of directors that exercises fiduciary responsibility over the operations of the health maintenance organization and of which a majority of the directors consist of equal numbers of the following:

a. Physicians licensed pursuant to chapter 334, RSMo;

b. Purchasers of health care services who live in the health maintenance organization's service area;

c. Enrollees of the health maintenance organization elected by the enrollees of such organization; and

d. Hospital executives, if a hospital is involved in the corporate ownership of the health maintenance organization;

(d) Provides for utilization review, as defined in section 374.500, RSMo, under the auspices of a physician medical director who practices medicine in the service area of the health maintenance organization, using review standards developed in consultation with physicians who treat the health maintenance organization's enrollees;

(e) Is actively involved in attempting to improve performance on indicators of health status in the community or communities in which the health maintenance organization is operating, including the health status of those not enrolled in the health maintenance organization;

(f) Is accountable to the public for the cost, quality and access of health care treatment services and for the effect such services have on the health of the community or communities in which the health maintenance organization is

operating on a whole;

(g) Establishes an advisory group or groups comprised of enrollees and representatives of community interests in the service area to make recommendations to the health maintenance organization regarding the policies and procedures of the health maintenance organization;

(h) Enrolls fewer than fifty thousand covered lives;

(3) "Covered benefit" or "benefit", a health care service to which an enrollee is entitled under the terms of a health benefit plan;

(4) "Director", the director of the department of insurance;

(5) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of health and medicine, to believe that immediate medical care is required, which may include, but shall not be limited to:

(a) Placing the person's health in significant jeopardy;

(b) Serious impairment to a bodily function;

(c) Serious dysfunction of any bodily organ or part;

(d) Inadequately controlled pain; or

(e) With respect to a pregnant woman who is having contractions:

a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or

b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;

(6) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(7) "Enrollee", a policyholder, subscriber, covered person or other individual participating in a health benefit plan;

(8) "Evidence of coverage", any certificate, agreement, or contract issued to an enrollee setting out the coverage to which the enrollee is entitled;

(9) "Health care services", any services included in the furnishing to any individual of medical, **chiropractic** or dental care or hospitalization, or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability;

(10) "Health maintenance organization", any person which undertakes to provide or arrange for basic and supplemental health care services to enrollees on a prepaid basis, or which meets the requirements of section 1301 of the United States Public Health Service Act;

(11) "Health maintenance organization plan", any arrangement whereby any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services and at least part of such arrangement consists of providing and assuring the availability of basic health care services to enrollees, as distinguished from mere indemnification against the cost of such services, on a prepaid basis through insurance or otherwise, and as distinguished from the mere provision of service benefits under health service corporation programs;

(12) "Individual practice association", a partnership, corporation, association, or other legal entity which delivers or arranges for the delivery of health care services and which has entered into a services arrangement with persons who are licensed to practice medicine, osteopathy, dentistry, chiropractic, pharmacy, podiatry, optometry, or any other health profession and a majority of whom are licensed to practice medicine or osteopathy. Such an arrangement shall provide:

(a) That such persons shall provide their professional services in accordance with a compensation arrangement established by the entity; and

(b) To the extent feasible for the sharing by such persons of medical and other records, equipment, and professional, technical, and administrative staff;

(13) "Medical group/staff model", a partnership, association, or other group:

(a) Which is composed of health professionals licensed to practice medicine or osteopathy and of such other licensed health professionals (including dentists, chiropractors, pharmacists, optometrists, and podiatrists) as are necessary for the provisions of health services for which the group is responsible;

(b) A majority of the members of which are licensed to practice medicine or osteopathy; and

(c) The members of which (i) as their principal professional activity over fifty percent individually and as a group responsibility engaged in the coordinated practice of their profession for a health maintenance organization; (ii) pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account or other plan, or are salaried employees of the health maintenance organization; (iii) share medical and other records and substantial portions of major equipment and of professional, technical, and administrative staff; (iv) establish an arrangement whereby an enrollee's enrollment status is not known to the member of the group who provides health services to the enrollee;

(14) "Person", any partnership, association, or corporation;

(15) "Provider", any physician, hospital, or other person which is licensed or otherwise authorized in this state to furnish health care services;

(16) "Uncovered expenditures", the costs of health care services that are covered by a health maintenance organization, but that are not guaranteed, insured, or assumed by a person or organization other than the health maintenance organization, or those costs which a provider has not agreed to forgive enrollees if the provider is not paid by the health maintenance organization.

354.640. 1. All managed care organizations subject to the provisions of sections 354.400 to 354.636 shall provide chiropractic benefits to covered enrollees. A covered enrollee may utilize the services of a chiropractic physician as defined in chapter 331, RSMo, without discrimination relative to access, fees, deductibles, co-payments, benefit limits and practice parameters subject to the terms and conditions of the policy. The covered enrollee shall retain the right to choose chiropractic care on an elective, self-pay, fee-for-service basis. No entity regulated pursuant to this chapter shall prohibit a doctor of chiropractic from continuing care on such basis.

2. Nothing in this section shall be construed to limit the health plan's ability to credential providers or be deemed as an any willing provider provision.

Further amend said title, enacting clause and intersectional references accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered SA 8:

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 15, Section 208.151, Line 6 of said page, by inserting after all of said line the following:

"354.603. 1. A health carrier shall maintain a network that is sufficient in number and types of [providers] **health care professionals** to assure that all services to enrollees shall be accessible without unreasonable delay. In the case of emergency services, enrollees shall have access twenty-four hours per day, seven days per week. The health carrier's medical director shall be responsible for the sufficiency and supervision of the health carrier's network. Sufficiency shall be determined by the director in accordance with the requirements of this section and by reference to any reasonable criteria, including but not limited to, provider-enrollee ratios by specialty, primary care provider-enrollee ratios, geographic accessibility, reasonable distance accessibility criteria for pharmacy and other services, waiting times for appointments with participating [providers] **health care professionals**, hours of operation, and the volume of technological and specialty services available to serve the needs of enrollees requiring technologically advanced or specialty care.

(1) In any case where the health carrier has an insufficient number or type of participating [providers] **health care professionals** to provide a covered benefit, the health carrier shall ensure that the enrollee obtains the covered benefit at no greater cost than if the benefit was obtained from a participating [provider] **health care professional**, or shall make other arrangements acceptable to the director.

(2) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of participating [providers] **health care professional**, including local pharmacists, to the business or personal residence of enrollees. In determining whether a health carrier has complied with this provision, the director shall give due consideration to the relative availability of health care [providers] **professionals** in the service area under, especially rural areas, consideration.

(3) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity[, financial capability] and legal authority of its [providers] **health care professionals** to furnish all contracted benefits to enrollees. **The provisions of this subdivision shall not be construed to require any health care professional to submit copies of such health care professional's income tax returns to a health carrier. A health carrier may require a health care professional to obtain audited financial statements if such health care professional received ten percent or more of the total medical expenditures made by the health carrier.**

(4) A health carrier shall make its entire network available to all enrollees unless a contract holder has agreed in writing to a different or reduced network.

2. [Beginning July 1, 1998,] A health carrier shall file with the director, in a manner and form defined by rule of the department of insurance, an access plan meeting the requirements of sections 354.600 to 354.636 for each of the managed care plans that the **health** carrier offers in this state. The health carrier may request the director to deem sections of the access plan as proprietary or competitive information that shall not be made public. For the purposes of this section, information is proprietary or competitive if revealing the information will cause the health carrier's competitors to obtain valuable business information. The health carrier shall provide such plans, absent any information deemed by the director to be proprietary, to any interested party upon request. The **health** carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any change as defined by the director to an existing managed care plan. The director shall approve or disapprove the access plan, or any subsequent alterations to the access plan, within sixty days of filing. The access plan shall describe or contain at a minimum the following:

(1) The health carrier's network;

(2) The health carrier's procedures for making referrals within and outside its network;

(3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of enrollees of the managed care plan;

(4) The health carrier's methods for assessing the health care needs of enrollees and their satisfaction with services;

- (5) The health carrier's method of informing enrollees of the plan's services and features, including but not limited to, the plan's grievance procedures, its process for choosing and changing [providers] **health care professionals**, and its procedures for providing and approving emergency and specialty care;
- (6) The health carrier's system for ensuring the coordination and continuity of care for enrollees referred to specialty physicians, for enrollees using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;
- (7) The health carrier's process for enabling enrollees to change primary care professionals;
- (8) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating [providers] **health care professionals**, in the event of a reduction in service area or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how enrollees shall be notified of the contract termination, reduction in service area or the health carrier's insolvency or other modification or cessation of operations, and transferred to other [providers] **health care professionals** in a timely manner; and
- (9) Any other information required by the director to determine compliance with the provisions of sections 354.600 to 354.636.

354.606. 1. A health carrier shall establish a mechanism by which the participating provider shall be notified on an ongoing basis of the specific covered health services for which the provider shall be responsible, including any limitations or conditions on services.

2. Every contract between a health carrier and a participating provider shall set forth a hold harmless provision specifying protection for enrollees. This requirement shall be met by including a provision substantially similar to the following:

"Provider agrees that in no event, including but not limited to nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary, or breach of this agreement, shall the provider bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrollee or a person, other than the health carrier or intermediary, acting on behalf of the enrollee for services provided pursuant to this agreement. This agreement shall not prohibit the provider from collecting coinsurance, deductibles or co-payments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to enrollees. This agreement shall not prohibit a provider, except for a health care professional who is employed full time on the staff of a health carrier and has agreed to provide service exclusively to that health carrier's enrollees and no others, and an enrollee from agreeing to continue services solely at the expense of the enrollee, as long as the provider has clearly informed the enrollee that the health carrier may not cover or continue to cover a specific service or services. Except as provided herein, this agreement does not prohibit the provider from pursuing any available legal remedy; including, but not limited to, collecting from any insurance carrier providing coverage to a covered person."

3. Every contract between a health carrier and a participating provider shall set forth that in the event of a health carrier's or intermediary's insolvency or other cessation of operations, covered services to enrollees shall continue through the period for which a premium has been paid to the health carrier on behalf of the enrollee or until the enrollee's discharge from an inpatient facility, whichever time is greater.

4. The contract provisions satisfying the requirements of subsections 2 and 3 of this section shall:

(1) Be construed in favor of the enrollee;

(2) Survive the termination of the contract regardless of the reason for termination, including the insolvency of the health carrier; and

(3) Supersede any oral or written contrary agreement between a provider and an enrollee or the representative of an enrollee if the contrary agreement is inconsistent with the hold harmless and continuation of covered services provisions required by subsections 2 and 3 of this section.

5. In no event shall a participating provider collect or attempt to collect from an enrollee any money owed to the provider by the health carrier nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, co-payments or deductibles. Failure of a health carrier to make timely payment of an amount owed to a provider in accordance with the provider's contract shall constitute an unfair claims settlement practice subject to sections 375.1000 to 375.1018, RSMo.

6. (1) A health carrier shall develop selection standards for participating primary care professionals and each participating health care professional specialty. Such standards shall be in writing and used in determining the selection of health care professionals by the health carrier, its intermediaries and any provider networks with which it contracts. Selection criteria shall not be established in a manner that will:

(a) Allow a health carrier to avoid a high-risk population by excluding a provider because such provider is located in a geographic area that contains a population presenting a risk of higher than average claims, losses or health services utilization; or

(b) Exclude a provider because such provider treats or specializes in treating a population presenting a risk of higher than average claims, losses or health services utilization.

(2) Paragraphs (a) and (b) of subdivision (1) of this subsection shall not be construed to prohibit a health carrier from declining to select a provider who fails to meet the other legitimate selection criteria of the health carrier developed in compliance with sections 354.600 to 354.636.

(3) The provisions of sections 354.600 to 354.636 shall not require a health carrier, its intermediaries or the provider networks with which it contracts, to employ specific providers or types of providers, or to contract with or retain more providers or types of providers than are necessary to maintain an adequate network.

7. A health carrier shall file its selection standards for participating providers with the director. A health carrier shall also file any subsequent changes to its selection standards with the director. The selection standards shall be made available to licensed health care providers.

8. A health carrier shall notify a participating provider of the provider's responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state programs.

9. No contract between a health carrier and a provider for the delivery of health care service, entered into or renewed after August 28, 2001, shall require the mandatory use of a hospitalist. For purposes of this subsection, "hospitalist" means a physician who becomes a physician of record at a hospital for a patient of a participating provider and who may return the care of the patient to that participating provider at the end of hospitalization.

[9.] **10.** A health carrier shall not offer an inducement under the managed care plan to a provider to provide less than medically necessary services to an enrollee.

[10.] **11.** A health carrier shall not prohibit a participating provider from advocating in good faith on behalf of enrollees within the utilization review or grievance processes established by the health carrier or a person contracting with the health carrier.

[11.] **12.** A health carrier shall require a provider to make health records available to appropriate state and federal authorities involved in assessing the quality of care but shall not disclose individual identities, or investigating the grievances or complaints of enrollees, and to comply with the applicable state and federal laws related to the confidentiality of medical or health records.

[12.] **13.** The rights and responsibilities of a provider under a contract between a health carrier and a participating provider shall not be assigned or delegated by the provider without the prior written consent of the health carrier.

[13.] **14.** A health carrier shall be responsible for ensuring that a participating provider furnishes covered benefits to all enrollees without regard to the enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in a publicly financed program of health care service.

[14.] **15.** A health carrier shall notify the participating providers of their obligations, if any, to collect applicable coinsurance, co-payments or deductibles from enrollees pursuant to the evidence of coverage, or of the providers' obligations, if any, to notify enrollees of their personal financial obligations for noncovered services.

[15.] **16.** A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that may jeopardize patient health or welfare.

[16.] **17.** A health carrier shall establish a mechanism by which a participating provider may determine in a timely manner whether a person is covered by the carrier.

[17.] **18.** A health carrier shall not discriminate between health care professionals when selecting such professionals for enrollment in the network or when referring enrollees for health care services to be provided by such health care professional who is acting within the scope of his professional license.

[18.] **19.** A health carrier shall establish procedures for resolution of administrative, payment or other disputes between providers and the health carrier.

[19.] **20.** A contract between a health carrier and a provider shall not contain definitions or other provisions that conflict with the definitions or provisions contained in the managed care plan or sections 354.600 to 354.636."; and

Further amend section 354.900, page 19, line 24, by adding after all of said line the following:

"376.383. 1. To the extent consistent with the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001, et seq., this section shall apply to any health [insurer] **carrier** as defined in section [376.806, any nonprofit health service plan and any health maintenance organization] **376.1350.**

2. Within [forty-five] **thirty** days after receipt of a claim **by a health carrier or a third party contracted with said health carrier to receive or process the claim** for reimbursement [from a person entitled to reimbursement] **for a health care service provided in this state as defined in section 376.1350**, a health [insurer, nonprofit health service plan or health maintenance organization] **carrier** shall pay the claim in accordance with this section or send a notice of receipt and status of the claim that states:

(1) That the [insurer, nonprofit health service plan or health maintenance organization] **health carrier** refuses to reimburse all or part of the claim and the reason for the refusal; or

(2) That **a request for** additional information is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary[.] **to process the entire claim for payment. The health carrier must acknowledge receipt to the health care professional or entity that submitted the claim of all the requested additional information or pay the claim. Acknowledgment may be through electronic means.**

3. Within forty-five days after receipt of a claim by a health carrier or a third party contracted with said health carrier to receive or process the claim for reimbursement for a health care service provided in this state as defined in section 376.1350, a health carrier shall pay the claim in accordance with this section or send a notice of receipt and status of the claim that states:

(1) **That the health carrier refuses to reimburse all or part of the claim and the reason for refusal; or**

(2) **That a final request for additional information is necessary to determine if all or part of the claim will be**

reimbursed and what specific additional information is necessary to process the entire claim for payment. The health carrier must acknowledge receipt to the health care professional or entity that submitted the claim of the requested additional information within five working days.

[3.] **4.** If [an insurer, nonprofit health service plan or health maintenance organization] **a health carrier** fails to comply with subsection 2 or 3 of this section, the [insurer, nonprofit health service plan or health maintenance organization] **health carrier** shall pay interest on the amount of the claim that remains unpaid forty-five days after the claim is [filed] **received by the health carrier or a third party contracted with said health carrier to receive or process the claim** at the monthly rate of one percent. The interest paid pursuant to this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest. **A carrier may combine interest payments and make payment once the aggregated amount reaches five dollars.**

5. All claims shall be deemed complete claims upon receipt until such time as it is determined that additional information is required in order to pay the claim. If additional information is requested pursuant to subsection 2 or 3 of this section, the claim shall again be deemed complete upon receipt of all additional information requested. For the purpose of calculating the number of days pursuant to this section, the counting of days shall begin on the day the claim is received by the health carrier or a third party contracted with said health carrier to receive or process the claim. The counting of days shall be suspended the day following the day the health care professional receives a request for additional information pursuant to this section and the counting of days shall resume again once all the additional information requested is received by the health carrier or a third party contracted with said health carrier to receive or process the claim. All requests for additional information may be made electronically.

[4.] **6.** Within [ten] **sixty** days after the day on which [all additional information is received] **a claim is received** by [an insurer, nonprofit health service plan or health maintenance organization] **a health carrier or a third party contracted with said health carrier to receive or process the claim**, [it] **said health carrier** shall pay the claim in accordance with this section or send a written notice that:

- (1) States refusal to reimburse the claim or any part of the claim; and
- (2) Specifies each reason for denial.

[An insurer, nonprofit health service plan or health maintenance organization that fails to comply with this subsection shall pay interest on any amount of the claim that remains unpaid at the monthly rate of one percent.]

7. The failure of the health care professional to provide and the health carrier to receive all requested information pursuant to subsections 2 or 3 of this section by the one hundred twentieth day after the initial receipt of the original claim may be a proper ground for denying all or part of the claim.

8. A health carrier that fails to pay or deny a claim pursuant to the requirements of this section shall pay, in addition to interest, a penalty prescribed by this subsection. Beginning January 1, 2002, for a claim received by a health carrier or a third party contracted with said health carrier to receive or process the claim which is not paid or denied as required by this section, a penalty shall accrue in the amount of twenty-five dollars per day for each day all or part of the claim, interest in excess of five dollars, or penalty remains unpaid. If such claim and interest are paid in their entirety prior to day sixty, then no penalty shall accrue;

[5. A provider who is paid interest under this section shall pay the proportionate amount of said interest to the enrollee or insured to the extent and for the time period that the enrollee or insured had paid for the services and for which reimbursement was due to the insured or enrollee.

6.] **9.** This section shall become effective [April 1, [1999] **January 1, 2002.**

10. Nothing in this section shall apply to workers' compensation claims filed pursuant to chapter 287, RSMo.

376.384. 1. For purposes of this section, "health care professional" means the same as such term is defined in section 376.1350 and "health carrier" means the same as such term is defined in section 376.1350. Any health carrier shall:

(1) Permit health care professionals to file a claim for reimbursement for a health care service provided in this state as defined in section 376.1350 for a period of up to one hundred eighty days from the date of service;

(2) Not request a refund or offset against a claim more than one hundred eighty days after a carrier has paid a claim except in cases of fraud or material misrepresentation by the health care professional;

(3) The health carrier shall, upon request, provide any contracted health care professional with a fee schedule with the carrier's reimbursement rates for no less than thirty procedure codes for the most commonly performed services for which the health care professional is contracted to provide;

(4) Issue within one working day a confirmation of receipt of an electronically filed claim by a health care professional or entity that submitted the claim, unless the claim is paid during such time.

2. On or after January 1, 2003, all claims submitted electronically for reimbursement for a health care service provided in this state shall be submitted in a uniform format utilizing standard medical code sets. The uniform format and the standard medical code sets shall be promulgated by the department of insurance through rules consistent with but no more stringent than the federal administrative simplification standards adopted pursuant to the Health Insurance Portability and Accountability Act of 1996. Any claim submitted in a nonelectronic format after January 1, 2002, shall not be subject to the provisions of subsection 8 of section 376.383; however, interest shall accrue on claims filed in a nonelectronic format that are not paid or denied in accordance with section 376.383. A health carrier shall provide electronic filing after January 1, 2002.

3. Nothing in this section shall apply to workers' compensation claims filed pursuant to chapter 287, RSMo.

376.406. 1. All [individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, and all self-insured group health benefit plans, of any type or description,] health benefit plans which provide coverage for a family member of [the insured or subscriber] an enrollee shall, as to such family member's coverage, also provide that the health [insurance] benefits applicable for children shall be payable with respect to a newly born child of the [insured or subscriber] enrollee from the moment of birth.

2. The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

3. If payment of a specific premium or subscription fee is required to provide coverage for a child, the [policy or contract] health benefit plan may require that notification of birth of a newly born child and payment of the required premium or fees must be furnished to the [insurer or nonprofit service or indemnity corporation] health carrier within thirty-one days after the date of birth in order to have the coverage continue beyond such thirty-one day period. If an application or other form of enrollment is required in order to continue coverage beyond the thirty-one-day period after the date of birth and the enrollee has notified the health carrier of the birth, either orally or in writing, the health carrier shall, upon notification, provide the enrollee with all forms and instructions necessary to enroll the newly born child and shall allow the enrollee an additional ten days from the date the forms and instructions are provided in which to enroll the newly born child.

4. The requirements of this section shall apply to all [insurance policies and subscriber contracts] health benefit plans delivered or issued for delivery in this state [more than one hundred twenty days after August 13, 1974] on or after August 28, 2001.

5. For the purposes of this section, any review, renewal, extension, or continuation of any [plan, policy, or contract] health benefit plan or of any of the terms, premiums, or subscriptions of the [plan, policy, or contract] health benefit plan shall constitute a new delivery or issuance for delivery of the [plan, policy or contract] health benefit plan.

6. As used in this section, the terms "health benefit plan", "health carrier", and "enrollee" shall have the same meaning as defined in section 376.1350."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Caskey offered SSA 1 for SA 8:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, Page 15, Section 208.151, Line 6 of said page, by inserting after all of said line the following:

"354.603. 1. A health carrier shall maintain a network that is sufficient in number and types of [providers] **health care professionals** to assure that all services to enrollees shall be accessible without unreasonable delay. In the case of emergency services, enrollees shall have access twenty-four hours per day, seven days per week. The health carrier's medical director shall be responsible for the sufficiency and supervision of the health carrier's network. Sufficiency shall be determined by the director in accordance with the requirements of this section and by reference to any reasonable criteria, including but not limited to, provider-enrollee ratios by specialty, primary care provider-enrollee ratios, geographic accessibility, reasonable distance accessibility criteria for pharmacy and other services, waiting times for appointments with participating [providers] **health care professionals**, hours of operation, and the volume of technological and specialty services available to serve the needs of enrollees requiring technologically advanced or specialty care.

(1) In any case where the health carrier has an insufficient number or type of participating [providers] **health care professionals** to provide a covered benefit, the health carrier shall ensure that the enrollee obtains the covered benefit at no greater cost than if the benefit was obtained from a participating [provider] **health care professional**, or shall make other arrangements acceptable to the director.

(2) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of participating [providers] **health care professional**, including local pharmacists, to the business or personal residence of enrollees. In determining whether a health carrier has complied with this provision, the director shall give due consideration to the relative availability of health care [providers] **professionals** in the service area under, especially rural areas, consideration.

(3) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity[, financial capability] and legal authority of its [providers] **health care professionals** to furnish all contracted benefits to enrollees. **The provisions of this subdivision shall not be construed to require any health care professional to submit copies of such health care professional's income tax returns to a health carrier. A health carrier may require a health care professional to obtain audited financial statements if such health care professional received ten percent or more of the total medical expenditures made by the health carrier.**

(4) A health carrier shall make its entire network available to all enrollees unless a contract holder has agreed in writing to a different or reduced network.

2. [Beginning July 1, 1998,] A health carrier shall file with the director, in a manner and form defined by rule of the department of insurance, an access plan meeting the requirements of sections 354.600 to 354.636 for each of the managed care plans that the **health** carrier offers in this state. The health carrier may request the director to deem sections of the access plan as proprietary or competitive information that shall not be made public. For the purposes of this section, information is proprietary or competitive if revealing the information will cause the health carrier's competitors to obtain valuable business information. The health carrier shall provide such plans, absent any

information deemed by the director to be proprietary, to any interested party upon request. The **health** carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any change as defined by the director to an existing managed care plan. The director shall approve or disapprove the access plan, or any subsequent alterations to the access plan, within sixty days of filing. The access plan shall describe or contain at a minimum the following:

- (1) The health carrier's network;
- (2) The health carrier's procedures for making referrals within and outside its network;
- (3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of enrollees of the managed care plan;
- (4) The health carrier's methods for assessing the health care needs of enrollees and their satisfaction with services;
- (5) The health carrier's method of informing enrollees of the plan's services and features, including but not limited to, the plan's grievance procedures, its process for choosing and changing [providers] **health care professionals**, and its procedures for providing and approving emergency and specialty care;
- (6) The health carrier's system for ensuring the coordination and continuity of care for enrollees referred to specialty physicians, for enrollees using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;
- (7) The health carrier's process for enabling enrollees to change primary care professionals;
- (8) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating [providers] **health care professionals**, in the event of a reduction in service area or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how enrollees shall be notified of the contract termination, reduction in service area or the health carrier's insolvency or other modification or cessation of operations, and transferred to other [providers] **health care professionals** in a timely manner; and
- (9) Any other information required by the director to determine compliance with the provisions of sections 354.600 to 354.636.

354.606. 1. A health carrier shall establish a mechanism by which the participating provider shall be notified on an ongoing basis of the specific covered health services for which the provider shall be responsible, including any limitations or conditions on services.

2. Every contract between a health carrier and a participating provider shall set forth a hold harmless provision specifying protection for enrollees. This requirement shall be met by including a provision substantially similar to the following:

"Provider agrees that in no event, including but not limited to nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary, or breach of this agreement, shall the provider bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrollee or a person, other than the health carrier or intermediary, acting on behalf of the enrollee for services provided pursuant to this agreement. This agreement shall not prohibit the provider from collecting coinsurance, deductibles or co-payments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to enrollees. This agreement shall not prohibit a provider, except for a health care professional who is employed full time on the staff of a health carrier and has agreed to provide service exclusively to that health carrier's enrollees and no others, and an enrollee from agreeing to continue services solely at the expense of the enrollee, as long as the provider has clearly informed the enrollee that the health carrier may not cover or continue to cover a specific service or services. Except as provided herein, this agreement does not prohibit the provider from pursuing any available legal remedy; including, but not limited to, collecting from any insurance carrier providing coverage to a

covered person."

3. Every contract between a health carrier and a participating provider shall set forth that in the event of a health carrier's or intermediary's insolvency or other cessation of operations, covered services to enrollees shall continue through the period for which a premium has been paid to the health carrier on behalf of the enrollee or until the enrollee's discharge from an inpatient facility, whichever time is greater.

4. The contract provisions satisfying the requirements of subsections 2 and 3 of this section shall:

(1) Be construed in favor of the enrollee;

(2) Survive the termination of the contract regardless of the reason for termination, including the insolvency of the health carrier; and

(3) Supersede any oral or written contrary agreement between a provider and an enrollee or the representative of an enrollee if the contrary agreement is inconsistent with the hold harmless and continuation of covered services provisions required by subsections 2 and 3 of this section.

5. In no event shall a participating provider collect or attempt to collect from an enrollee any money owed to the provider by the health carrier nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, co-payments or deductibles. Failure of a health carrier to make timely payment of an amount owed to a provider in accordance with the provider's contract shall constitute an unfair claims settlement practice subject to sections 375.1000 to 375.1018, RSMo.

6. (1) A health carrier shall develop selection standards for participating primary care professionals and each participating health care professional specialty. Such standards shall be in writing and used in determining the selection of health care professionals by the health carrier, its intermediaries and any provider networks with which it contracts. Selection criteria shall not be established in a manner that will:

(a) Allow a health carrier to avoid a high-risk population by excluding a provider because such provider is located in a geographic area that contains a population presenting a risk of higher than average claims, losses or health services utilization; or

(b) Exclude a provider because such provider treats or specializes in treating a population presenting a risk of higher than average claims, losses or health services utilization.

(2) Paragraphs (a) and (b) of subdivision (1) of this subsection shall not be construed to prohibit a health carrier from declining to select a provider who fails to meet the other legitimate selection criteria of the health carrier developed in compliance with sections 354.600 to 354.636.

(3) The provisions of sections 354.600 to 354.636 shall not require a health carrier, its intermediaries or the provider networks with which it contracts, to employ specific providers or types of providers, or to contract with or retain more providers or types of providers than are necessary to maintain an adequate network.

7. A health carrier shall file its selection standards for participating providers with the director. A health carrier shall also file any subsequent changes to its selection standards with the director. The selection standards shall be made available to licensed health care providers.

8. A health carrier shall notify a participating provider of the provider's responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state programs.

9. No contract between a health carrier and a provider for the delivery of health care service, entered into or renewed after August 28, 2001, shall require the mandatory use of a hospitalist. For purposes of this subsection,

"hospitalist" means a physician who becomes a physician of record at a hospital for a patient of a participating provider and who may return the care of the patient to that participating provider at the end of hospitalization.

[9.] **10.** A health carrier shall not offer an inducement under the managed care plan to a provider to provide less than medically necessary services to an enrollee.

[10.] **11.** A health carrier shall not prohibit a participating provider from advocating in good faith on behalf of enrollees within the utilization review or grievance processes established by the health carrier or a person contracting with the health carrier.

[11.] **12.** A health carrier shall require a provider to make health records available to appropriate state and federal authorities involved in assessing the quality of care but shall not disclose individual identities, or investigating the grievances or complaints of enrollees, and to comply with the applicable state and federal laws related to the confidentiality of medical or health records.

[12.] **13.** The rights and responsibilities of a provider under a contract between a health carrier and a participating provider shall not be assigned or delegated by the provider without the prior written consent of the health carrier.

[13.] **14.** A health carrier shall be responsible for ensuring that a participating provider furnishes covered benefits to all enrollees without regard to the enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in a publicly financed program of health care service.

[14.] **15.** A health carrier shall notify the participating providers of their obligations, if any, to collect applicable coinsurance, co-payments or deductibles from enrollees pursuant to the evidence of coverage, or of the providers' obligations, if any, to notify enrollees of their personal financial obligations for noncovered services.

[15.] **16.** A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that may jeopardize patient health or welfare.

[16.] **17.** A health carrier shall establish a mechanism by which a participating provider may determine in a timely manner whether a person is covered by the carrier.

[17.] **18.** A health carrier shall not discriminate between health care professionals when selecting such professionals for enrollment in the network or when referring enrollees for health care services to be provided by such health care professional who is acting within the scope of his professional license.

[18.] **19.** A health carrier shall establish procedures for resolution of administrative, payment or other disputes between providers and the health carrier.

[19.] **20.** A contract between a health carrier and a provider shall not contain definitions or other provisions that conflict with the definitions or provisions contained in the managed care plan or sections 354.600 to 354.636."; and

Further amend section 354.900, page 19, line 24, by adding after all of said line the following:

"376.383. 1. To the extent consistent with the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001, et seq., this section shall apply to any health [insurer] **carrier** as defined in section [376.806, any nonprofit health service plan and any health maintenance organization] **376.1350.**

2. Within [forty-five] **thirty** days after receipt of a claim **by a health carrier or a third party contracted with said health carrier to receive or process the claim** for reimbursement [from a person entitled to reimbursement] **for a health care service provided in this state as defined in section 376.1350**, a health [insurer, nonprofit health service plan or health maintenance organization] **carrier** shall pay the claim in accordance with this section or send a notice of receipt and status of the claim that states:

(1) That the [insurer, nonprofit health service plan or health maintenance organization] **health carrier** refuses to

reimburse all or part of the claim and the reason for the refusal; or

(2) That **a request for** additional information is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary[.] **to process the entire claim for payment. The health carrier must acknowledge receipt to the health care professional or entity that submitted the claim of all the requested additional information or pay the claim. Acknowledgment may be through electronic means.**

3. Within forty-five days after receipt of a claim by a health carrier or a third party contracted with said health carrier to receive or process the claim for reimbursement for a health care service provided in this state as defined in section 376.1350, a health carrier shall pay the claim in accordance with this section or send a notice of receipt and status of the claim that states:

(1) That the health carrier refuses to reimburse all or part of the claim and the reason for refusal; or

(2) That a final request for additional information is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary to process the entire claim for payment. The health carrier must acknowledge receipt to the health care professional or entity that submitted the claim of the requested additional information within five working days.

[3.] **4. If [an insurer, nonprofit health service plan or health maintenance organization] a health carrier fails to comply with subsection 2 or 3 of this section, the [insurer, nonprofit health service plan or health maintenance organization] health carrier shall pay interest on the amount of the claim that remains unpaid forty-five days after the claim is [filed] received by the health carrier or a third party contracted with said health carrier to receive or process the claim at the monthly rate of one percent. The interest paid pursuant to this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest. A carrier may combine interest payments and make payment once the aggregated amount reaches five dollars.**

5. All claims shall be deemed complete claims upon receipt until such time as it is determined that additional information is required in order to pay the claim. If additional information is requested pursuant to subsection 2 or 3 of this section, the claim shall again be deemed complete upon receipt of all additional information requested. For the purpose of calculating the number of days pursuant to this section, the counting of days shall begin on the day the claim is received by the health carrier or a third party contracted with said health carrier to receive or process the claim. The counting of days shall be suspended the day following the day the health care professional receives a request for additional information pursuant to this section and the counting of days shall resume again once all the additional information requested is received by the health carrier or a third party contracted with said health carrier to receive or process the claim. All requests for additional information may be made electronically.

[4.] **6. Within [ten] sixty days after the day on which [all additional information is received] a claim is received by [an insurer, nonprofit health service plan or health maintenance organization] a health carrier or a third party contracted with said health carrier to receive or process the claim, [it] said health carrier shall pay the claim in accordance with this section or send a written notice that:**

(1) States refusal to reimburse the claim or any part of the claim; and

(2) Specifies each reason for denial.

[An insurer, nonprofit health service plan or health maintenance organization that fails to comply with this subsection shall pay interest on any amount of the claim that remains unpaid at the monthly rate of one percent.]

7. The failure of the health care professional to provide and the health carrier to receive all requested information pursuant to subsections 2 or 3 of this section by the one hundred twentieth day after the initial receipt of the original claim may be a proper ground for denying all or part of the claim.

8. A health carrier that fails to pay or deny a claim pursuant to the requirements of this section shall pay, in addition to interest, a penalty prescribed by this subsection. Beginning January 1, 2002, for a claim received by a health carrier or a third party contracted with said health carrier to receive or process the claim which is not paid or denied as required by this section, a penalty shall accrue in the amount of fifty dollars per day for each day all or part of the claim, interest in excess of five dollars, or penalty remains unpaid. If such claim and interest are paid in their entirety prior to day sixty, then no penalty shall accrue;

[5. A provider who is paid interest under this section shall pay the proportionate amount of said interest to the enrollee or insured to the extent and for the time period that the enrollee or insured had paid for the services and for which reimbursement was due to the insured or enrollee.

6.] **9. This section shall become effective [April 1, [1999] January 1, 2002.**

10. Nothing in this section shall apply to workers' compensation claims filed pursuant to chapter 287, RSMo.

376.384. 1. For purposes of this section, "health care professional" means the same as such term is defined in section 376.1350 and "health carrier" means the same as such term is defined in section 376.1350. Any health carrier shall:

(1) Permit health care professionals to file a claim for reimbursement for a health care service provided in this state as defined in section 376.1350 for a period of up to one hundred eighty days from the date of service;

(2) Not request a refund or offset against a claim more than one hundred eighty days after a carrier has paid a claim except in cases of fraud or material misrepresentation by the health care professional;

(3) The health carrier shall, upon request, provide any contracted health care professional with a fee schedule with the carrier's reimbursement rates for no less than thirty procedure codes for the most commonly performed services for which the health care professional is contracted to provide;

(4) Issue within one working day a confirmation of receipt of an electronically filed claim by a health care professional or entity that submitted the claim, unless the claim is paid during such time.

2. On or after January 1, 2003, all claims submitted electronically for reimbursement for a health care service provided in this state shall be submitted in a uniform format utilizing standard medical code sets. The uniform format and the standard medical code sets shall be promulgated by the department of insurance through rules consistent with but no more stringent than the federal administrative simplification standards adopted pursuant to the Health Insurance Portability and Accountability Act of 1996. Any claim submitted in a nonelectronic format after January 1, 2002, shall not be subject to the provisions of subsection 8 of section 376.383; however, interest shall accrue on claims filed in a nonelectronic format that are not paid or denied in accordance with section 376.383. A health carrier shall provide electronic filing after January 1, 2002.

3. Nothing in this section shall apply to workers' compensation claims filed pursuant to chapter 287, RSMo.

376.406. 1. All [individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, and all self-insured group health benefit plans, of any type or description,] health benefit plans which provide coverage for a family member of [the insured or subscriber] an enrollee shall, as to such family member's coverage, also provide that the health [insurance] benefits applicable for children shall be payable with respect to a newly born child of the [insured or subscriber] enrollee from the moment of birth.

2. The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

3. If payment of a specific premium or subscription fee is required to provide coverage for a child, the [policy or contract] health benefit plan may require that notification of birth of a newly born child and payment of the required

premium or fees must be furnished to the [insurer or nonprofit service or indemnity corporation] **health carrier** within thirty-one days after the date of birth in order to have the coverage continue beyond such thirty-one day period. **If an application or other form of enrollment is required in order to continue coverage beyond the thirty-one-day period after the date of birth and the enrollee has notified the health carrier of the birth, either orally or in writing, the health carrier shall, upon notification, provide the enrollee with all forms and instructions necessary to enroll the newly born child and shall allow the enrollee an additional ten days from the date the forms and instructions are provided in which to enroll the newly born child.**

4. The requirements of this section shall apply to all [insurance policies and subscriber contracts] **health benefit plans** delivered or issued for delivery in this state [more than one hundred twenty days after August 13, 1974] **on or after August 28, 2001.**

5. For the purposes of this section, any review, renewal, extension, or continuation of any [plan, policy, or contract] **health benefit plan** or of any of the terms, premiums, or subscriptions of the [plan, policy, or contract] **health benefit plan** shall constitute a new delivery or issuance for delivery of the [plan, policy or contract] **health benefit plan.**

6. As used in this section, the terms "health benefit plan", "health carrier", and "enrollee" shall have the same meaning as defined in section 376.1350."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted.

At the request of Senator Sims, **HS** for **HCS** for **HB 762**, with **SCS**, **SS** for **SCS**, **SA 8** and **SSA 1** for **SA 8** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 742** and has taken up and passed **SCS** for **HB 742**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 502** and has taken up and passed **HB 502**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **HB 491**. Representatives: George, Foley, Haywood, Luetkemeyer, Jetton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SA 1** and **SA 2** to **HCS** for **HB 207** and has taken up and passed **HCS** for **HB 207**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS for HCS for HBs 302 and 38, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

On motion of Senator Kenney, the Senate recessed until 6:25 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 764, regarding the One Hundred Seventh Birthday of Daisy Denny, DeSoto, which was adopted.

Senator Mathewson offered Senate Resolution No. 765, regarding Jay Wilson, which was adopted.

Senator Mathewson offered Senate Resolution No. 766, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roland Kolkmeier, Saline County, which was adopted.

Senator Westfall offered Senate Resolution No. 767, regarding Dr. John D. Bentley, M.D., Springfield, which was adopted.

HOUSE BILLS ON THIRD READING

HB 470, introduced by Representatives Shields and Hegeman, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the creation of a "Sergeant Robert Kimberling Memorial Highway".

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, HB 470 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Jacob	Singleton
Yeckel--5			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HS for **HB 381**, with **SCS**, entitled:

An Act to repeal sections 149.015, 407.927, 407.929 and 407.931, RSMo 2000, relating to sale of tobacco products to minors, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Kenney.

SCS for **HS** for **HB 381**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 381

An Act to repeal sections 149.015, 407.927, 407.929 and 407.931, RSMo 2000, relating to the sale of tobacco products to minors, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Kenney moved that **SCS** for **HS** for **HB 381** be adopted.

Senator Kenney offered **SS** for **SCS** for **HS** for **HB 381**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 381

An Act to repeal sections 149.015, 407.927, 407.929 and 407.931, RSMo 2000, relating to the sale of tobacco products to minors, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Senator Kenney moved that **SS** for **SCS** for **HS** for **HB 381** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 13, Section 407.931, Line 1 of said page, by deleting "two hours", and inserting in lieu thereof the following: "**ninety minutes**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 7, Section 149.212, Line 29 of said page, by adding after the period (.) on said line the following: "**Any person who sells, distributes, or manufactures cigarettes and sustains direct economic or commercial injury as a result of a**

violation of sections 149.200 to 149.215 may bring an action in good faith for appropriate injunctive relief."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 1, In the Title, Line 5, by inserting immediately before the period "." the following: ", with a referendum clause"; and

Further amend said bill, page 4, Section 149.015, line 29, by inserting immediately after said line the following:

"149.065. All taxes collected pursuant to this chapter, except for those portions required to be deposited in the fair share fund [or], the health initiatives fund, **or the fund for lifelong health established pursuant to section 149.086,** shall be deposited in the state treasury to the credit of the state school moneys fund.

149.084. In addition to the taxes imposed in sections 149.015, 149.082 and 149.160, there is hereby imposed a tax upon the sale of each package of cigarettes and each tobacco product other than cigarettes. Such tax shall be equal to thirty cents per package of cigarettes and ten percent of the manufacturer's invoice price before discounts and deals for tobacco products other than cigarettes. The additional tax shall be credited to the fund for lifelong health created in section 149.086. The tax imposed by this section shall be collected in the same manner and at the same time as the taxes imposed in this chapter.

149.086. 1. There is hereby created in the state treasury the "Fund for Lifelong Health" for the purpose of funding pharmaceutical assistance programs and for use in tobacco cessation, education, and treatment as delineated by rule by the department of social services in conjunction with the department of health with consideration given to the Centers for Disease Control and Prevention's nine elements of the comprehensive tobacco control program. Revenue deposited in the fund each year may be reserved for direct expenditure as follows:

(1) Reserve up to fifty percent of all revenues deposited in the fund for lifelong health, established pursuant to this section, each year for direct expenditure by the department to pay for prescription drugs and pharmaceutical services for senior citizens. The department shall submit a quarterly report to the governor regarding the general manner in which expenditures have been made pursuant to this section and the status of the program;

(2) Reserve up to fifty percent of all revenues deposited in the fund each year for programs that prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco;

(3) Up to thirty percent of all revenues deposited in the fund each year may be redirected to the credit of general revenue;

(4) Up to ten percent of all revenues deposited in the fund each year may be redirected to the credit of the department of elementary and secondary education for use as school foundation formula funds.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void."; and

Further amend said bill, page 18, Section B, line 17, by inserting immediately after said line the following:

"Section C. Sections 149.065, 149.084 and 149.086 of this act are hereby submitted to the qualified voters of this state for approval or rejection at a special election which is hereby ordered and which shall be held and conducted on the first Tuesday in November, 2002, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petitions, and sections 149.065, 149.084 and 149.086 of this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Klarich offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 1, Lines 16-18, by deleting said lines and replacing in lieu thereof, the following: "**per package of cigarettes**" on line 16 and "**The additional tax shall be credited to**" on line 18.

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** to **SA 3** was withdrawn.

SA 3 was again taken up.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Caskey, Dougherty and Sims.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Childers	Dougherty	Goode
House	Schneider	Sims	Singleton--8
NAYS--Senators			
Bland	Caskey	Cauthorn	DePasco
Foster	Gibbons	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
Absent--Senator Jacob--1			
Absent with leave--Senator Carter--1			

Senator Gibbons offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 5, Section 149.200, Line 20, by deleting the following: ", and federal trademark and copyright laws"; and

Further amend said bill, page 7, section 149.209, lines 16-22, by deleting all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 15, Section 407.934, Line 16, by deleting the word "state" and inserting in lieu thereof the words "more stringent".

Senator Bentley moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Singleton offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 8, Section 149.215, Line 3, by inserting after all of said line the following:

"311.630. 1. The supervisor of liquor control and employees to be selected and designated as peace officers by the supervisor of liquor control are hereby declared to be peace officers of the state of Missouri, with full power and authority to make arrests only for violations of the provisions of chapters 311 and 312, RSMo, relating to intoxicating liquors and nonintoxicating beer, **and sections 407.925 to 407.934, RSMo, relating to tobacco products**, and to make searches and seizures thereunder, and to serve any process connected with the enforcement of such laws. The peace officers so designated shall have been previously appointed and qualified under the provisions of section 311.620 and shall have completed the mandatory standards for the basic training and certification of peace officers established by the peace officers standards and training commission.

2. The supervisor of liquor control shall furnish such peace officers with credentials showing their authority and a special badge, which they shall carry on their person at all times while on duty. The names of the peace officers so designated shall be made a matter of public record in the office of the supervisor of liquor control.

3. All fees for the arrest and transportation of persons arrested and for the service of writs and process shall be the same as provided by law in criminal proceedings and shall be taxed as costs."; and

Further amend said bill, Page 8, Section 407.924, Lines 4 to 11, by striking said lines and inserting in lieu thereof the following:

"407.924. Beginning January 1, 2003, the division of mental health shall submit an annual report to the general assembly on the effectiveness of sections 407.925 to 407.934 in reducing tobacco possession by minors and statewide enforcement activities for violations of sections 407.925 to 407.934."; and

Further amend said bill, Page 8, Section 407.926, Line 15, by inserting after "who" the following: **"with criminal negligence,"**; and further amend line 17, by striking "assessed" and inserting in lieu thereof the following: **"guilty of a misdemeanor punishable by"**; and

Further amend said bill and page, Section 407.927, Line 20, by inserting after "407.927." the following: **"1."**; and further amend page 9, line 5, by inserting after all of said line the following:

"2. Any person who violates this section shall be guilty of an infraction, except that if a vending machine is in violation of this section, only the owner of the establishment shall be guilty of an offense. The penalty for a violation of this section shall be as follows:

(1) For the first offense, a fine of twenty-five dollars;

(2) For the second offense, a fine of one hundred dollars;

(3) For a third and subsequent offense, a fine of two hundred dollars."; and

Further amend said bill and page, Section 407.928, Line 6, by inserting after "407.928." the following: **"1."**; and further amend line 13, by inserting after all of said line the following:

"2. Any person who violates this section shall be guilty of an infraction."; and

Further amend said bill, Page 10, Section 407.929, Line 9, by striking the following: "Any person who" and inserting in lieu thereof the following: **"No person"**; and further amend line 12, by striking the following: "shall be deemed guilty of a misdemeanor and"; and further amend lines 13 to 15, by striking said lines and inserting in lieu thereof the following: **"**.

4. Any person who violates this section shall be guilty of an infraction, except that any person who violates subsection 3 of this section shall be guilty of a class A misdemeanor."; and further amend said section by renumbering the remaining subsection accordingly; and

Further amend said bill, Page 11, Section 407.931, Line 23, by striking the following: "or section 407.927"; and further amend line 23, by inserting before "penalized" the following: **"guilty of an infraction and"**; and further amend page 11, line 29 and page 12, lines 1-15, by striking said lines; and further amend said section, by renumbering the remaining subsections accordingly; and

Further amend said bill, Page 13, Section 407.931, Lines 13-17, by striking all of line 13 after the word "offense" and lines 15, 16 and through the word "section" on line 17; and further amend line 18, by inserting after "distributed" the following; **"in violation of sections 407.925 to 407.934"**; and further amend line 19, by striking the word "such" and inserting in lieu thereof the following: **"only the"**; and further amend line 19, by striking the following: "established in" and further amend line 20, by striking said line and inserting in lieu thereof a period **"."**; and

Further amend said bill, Page 15, Section 407.934, Lines 17 to 27, by striking said lines; and

Further amend said section, by renumbering the remaining subsections accordingly; and

Further amend said bill and section, Page 18, Line 8, by striking the following: "shall not take"; and further amend lines 9 and 10, by striking said lines; and further amend line 11, by striking the following: "when using a minor".

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator DePasco offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 14, Section 407.931, Lines 2-16, by deleting all of said lines.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 9, Section 407.928, Line 13, by inserting immediately following said line the following:

"Unobstructed line of sight may be achieved by the use of mirrors or a video surveillance system that provides the sales clerk an unobstructed view of individual packs of cigarettes and smokeless tobacco products".

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator DePasco offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 7, Section 149.212, Line 29, by inserting the following new section immediately after said line:

"Section 149.214. A retailer shall be deemed to have complied with the provisions of sections 149.200 to 149.212, when such retailer obtains cigarettes in the normal course of business from a wholesaler or distributor who has affixed tax stamps or meter impressions on such cigarettes package pursuant to this chapter. Cigarette packages that comply with all requirements imposed by or pursuant to federal law and implementing regulations shall be deemed to be in compliance with the provisions of sections 149.200 to 149.212 and may be offered for sale in this state."; and

Further amend said bill, title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion failed.

Senator Gross offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 12, Section 407.931, Line 4 of said page, by inserting after "location" the following: "**within two years**"; and further amend line 6 of said page, by inserting after "location" the following: "**within two years**"; and further amend line 9 of said page, by inserting after "location" the following: "**within two years**"; and further amend line 13 of said page, by inserting after "location" the following: "**within two years**"; and further amend line 26 of said page, by striking "attended training" and inserting in lieu thereof the following: "**been trained**".

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 7, Section 149.212, Lines 25 and 26, by deleting the words "and all local police authorities" as such appear on said lines.

Senator Loudon moved that the above amendment be adopted, which motion failed.

Senator DePasco offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 7, Section 149.206, Lines 11-15, by deleting all of said lines.

Senator DePasco moved that the above amendment be adopted.

At the request of Senator Kenney, **HS** for **HB 381**, with **SCS**, **SS** for **SCS** and **SA 12** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on May 1, 2001 for your advice and consent:

Hilary Ryals Huffman, Republican, 6700 Bancroft, Apartment 1 E, St. Louis City, Missouri 63109, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Joan M. Crawford, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 30, 2001 for your advice and consent:

Steven C. Roberts, 5587 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the St. Louis City Board of Police Commissioners, for a term ending January 31, 2005, and until his successor is duly appointed and qualified; vice, Dr. Leslie Bond, Sr., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by Governor Roger B. Wilson and submitted to you on January 4, 2001 for your advice and consent:

Linda L. Duffy, Republican, 1811 Woodrail Avenue, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Derrick L. Driemeyer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Yvonne Hunter, Republican, 21 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Hilary Ryals Huffman, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 86**, entitled:

An Act to repeal sections 64.170 and 64.180, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof two new sections relating to the same subject.

With House Amendments Nos. 1, 2 and 4.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 86, Page 1, Section 64.170, Line 6, by inserting immediately after the word "installation" the following: "**plumbing or drain laying**"; and

Further amend said bill, Page 2, Section 64.180, Line 10, by inserting immediately after the word "agencies" the following: "**consistent with section 64.196**"; and

Further amend said bill, Page 2, Section 64.180, Line 19, by inserting immediately after all of said line the following:

"64.196. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 86, Page 8, Line 12, by inserting after all of said line the following:

"Section 1. The state of Missouri hereby waives all rights to its possibility of reverter in the real property particularly described in the quitclaim deed in Book 279 at Pages 76-77 of the office of the recorder of deeds of Scott County."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 86, Page 2, Section 64.180, Line 19, by inserting after all of said line the following:

"64.342. 1. Section 64.341 to the contrary notwithstanding, the county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing part of a city with a population over three hundred fifty thousand is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands or marinas within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area. **No such lease or concession grant shall be for a longer term than twenty-five years.**

2. Such concession stands or marinas may offer refreshments for sale to the public using such areas and services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe.

3. All moneys derived from the operation of concession stands or marinas shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. The provisions of this section authorizing and extending authority to counties concerning marinas shall not apply to any privately operated marina in operation prior to August 28, 2000, **except that if an operator is in default or if no bids are received during the open bid period, then the county may operate such marina for a period not to exceed a cumulative total of twenty-four months.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SBs 5** and **21**.

Bill ordered enrolled.

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, his sister, Edie Barnard; and Crystal Coleman and Debbie Kiel, Rock Hill.

Senator Steelman introduced to the Senate, fifty-five fourth grade students from Linn Elementary School, Linn.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Tuesday, May 8, 2001.

SENATE CALENDAR

SIXTY-EIGHTH DAY-TUESDAY, MAY 8, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 981 &

665-Willoughby

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334 &

228-Kinder (In Budget Control)

SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins, with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS

SB 586-Klindt, with SCS

HOUSE BILLS ON THIRD READING

1. HB 444-Kreider, et al,
with SCA 1 (Wiggins)

2. HS for HB 421-Hoppe,
with SCS (Kinder)

3. HB 385-Franklin, with
SCS (Foster)

4. HCS for HBs 205, 323
& 549, with SCS

(Childers)

5. HB 662-Green (73) and

St. Onge, with SCS

(Foster)

6. HS for HCS for HB 425-

O'Toole (DePasco)

7. HB 285-Riback Wilson,

et al (Jacob)

8. HB 120-O'Connor, with

SCS (Caskey)

9. HB 163-Berkowitz and

Wagner (Westfall)

10. HB 471-Jolly, et al,

with SCS (Wiggins)

11. HB 626-Hosmer, with

SCS (Bentley)

12. HS for HCS for HB 107-

Clayton, with SCS

(Klarich)

(In Budget Control)

13. HCS for HB 50, with

SCS (Stoll)

(In Budget Control)

14. HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

15. HB 185-Legan, et al,

with SCS (Gross)

16. HCS for HB 738

(Klarich)

17. HCS for HBs 441, 94 &
244 (Johnson)

18. HB 453-Ransdall, et al,
with SCS (Steelman)

19. HB 501-Bowman, et al,
with SCS (Steelman)

(In Budget Control)

20. HCS for HB 581, with
SCS (Klindt)

21. HB 133-Gambaro, with
SCS (Yeckel)

22. HCS for HB 241, with
SCS (Caskey)

23. HS for HCS for HBs
328 & 88-Harlan,
with SCS (Sims)

24. HB 70-Koller, with
SCA 1 (Staples)

25. HB 678-Seigfreid,
with SCS (Mathewson)

26. HS for HCS for HB 824-
Abel (Mathewson)

(In Budget Control)

27. HS for HCS for HBs
924, 714, 685, 756,
734 & 518-Wiggins,

with SCS (Mathewson)

(In Budget Control)

28. HB 769-Harlan (House)

29. HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

30. HB 621-Gratz and

Vogel, with SCA 1

(Rohrbach)

31. HB 262-Linton, et al,

with SCAs 1 & 2 (Klarich)

32. HS for HCS for HB 327-

Rizzo, with SCS

(In Budget Control)

33. HB 219-Townley, et al,

with SCS (Cauthorn)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)
SB 222-Caskey, with SA 3
& SSA 1 for SA 3 (pending)
SBs 238 & 250-Staples, et
al, with SCS (pending)
SB 239-Stoll, with SCS &
SA 11 (pending)
SB 251-Kinder
SBs 253 & 260-Gross, with
SCS (pending)
SB 331-DePasco, et al,
with SCS & SS for SCS
(pending)
SB 373-Gibbons and Yeckel,
with SCS
SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)
SB 438-Bentley and Stoll,
with SS, SS for SS &
SA 1 (pending)

SB 445-Singleton, with SCS
& SS for SCS (pending)
SB 454-Kinder, with SCS
SB 455-Kinder, et al,
with SCS
SBs 459, 305, 396 & 450-

Westfall, with SCS &
SS for SCS (pending)
SB 469-Gross, et al
SB 488-Klindt, et al, with
SCS
SB 535-Rohrbach, with SCS,
SS for SCS & point of
order (pending)
SB 546-Kenney, et al,
with SCS
SB 583-Yeckel
SB 593-Klindt, with SCS
SJR 11-Yeckel

HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS
(pending) (Kenney)
HS for HB 381-Hoppe, with
SCS, SS for SCS & SA 12
(pending) (Kenney)
HB 544-Holand and
Treadway, with SA 1
(pending) (Bentley)
HS for HCS for HB 762-
Barry, with SCS, SS
for SCS, SA 8 & SSA 1
for SA 8 (pending)
(Sims and Stoll)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with

SS, SA 1 & point of

order (pending) (Yeckel) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 458-Lawson, et al

(Klindt)

HBs 648, 477 & 805-

Ostmann, et al, with

SCS (Westfall)

HB 691-Barnett, et al,

with SCS (Klindt)

HB 897-Kreider, et al

(Klindt)

HB 45-Farnen (Bentley)

HB 309-McKenna, et al

(Stoll)

HB 865-Davis (Caskey)

HB 725-Britt (Foster)

HB 881-Scott, et al, with

SCS (Rohrbach)

HB 606-Kennedy, et al,

with SCS (Yeckel)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 86-Rohrbach, with HCS,

as amended

SB 274-Caskey, with HCS

SB 307-Jacob, with HCS

HS for SS for SCS for SBs

323 & 230-Childers

SB 348-Sims, with HCS

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell)

HCS for HB 13, with SCS

(Russell)

HCS for HB 18, with SCS,

as amended (Russell)

HCS for HB 19, with SCS

(Russell)

HB 491-George, with SCS

(Goode) Requests to Recede or Grant Conference

SCS for SB 151-Childers, with HCS

(Senate requests House recede

or grant conference)

SS for SB 193-Rohrbach,

with HCS, as amended

(Senate requests House

recede or grant conference)

SS for SCS for SB 267-Klarich, with HS

for HCS, as amended

(Senate requests House recede

or grant conference)

SB 462-Westfall, with HCS,

as amended

(Senate requests House

recede or grant conference)

SB 610-Westfall, with HCS

(Senate requests House

recede or grant conference)

HCS for HBs 302 & 38, with SCS,

as amended (Westfall)

(House requests Senate

recede or grant conference) RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HCR 24-Boucher, with SCS

(Yeckel) Reported from House with Amendments

SS for SCR 13-Foster,

with HCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-EIGHTH DAY--TUESDAY, MAY 8, 2001

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"The path of the righteous is like the light of dawn, which shines brighter and brighter until full day." (Proverbs 4:18)

We praise You Lord God, that the longer we walk in Your way the stronger becomes Your leadership and lordship in our lives. So we pray that You guide us in the way of righteousness for the sake of Your love at work in us, which then touches our world through what we do in this chamber. And we pray for former Senator Melton at the death of his son; may You guide and support the Melton family during this, their time of grief. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

The Senate observed a moment of silence in memory of Russell Melton, son of former State Senator Emory Melton.

HOUSE BILLS ON THIRD READING

HB 458, introduced by Representative Lawson, et al, entitled:

An Act to repeal section 307.100, RSMo 2000, relating to the use of warning signals on motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 458** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Klarich	Sims--4
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

HB 648, introduced by Representative Ostmann, et al, **HB 477**, introduced by Representative Graham and **HB 805**, introduced by Representatives Mayer and Richardson, with **SCS**, entitled respectively:

An Act to repeal sections 302.130 and 302.178, RSMo 2000, relating to temporary driver's permits, and to enact in lieu thereof two new sections relating to the same subject.

An Act to repeal sections 302.130 and 302.178, RSMo 2000, relating to temporary driver's permits, and to enact in lieu thereof two new sections relating to the same subject.

An Act to repeal sections 302.130 and 302.178, RSMo 2000, relating to driver's licenses, and to enact in lieu thereof two new sections relating to the same subject.

Were called from the Consent Calendar and taken up by Senator Westfall.

SCS for **HB 648**, **HB 477** and **HB 805**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 648

HOUSE BILL NO. 477 AND

HOUSE BILL NO. 805

An Act to repeal sections 302.130 and 302.178, RSMo 2000, relating to drivers' licenses, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Westfall moved that **SCS** for **HB 648**, **HB 477** and **HB 805** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **HB 648**, **HB 477** and **HB 805** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Staples--3	
Absent with leave--Senator Carter-- 1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland--2		
Absent with leave--Senator Carter-- 1			

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Klindt moved that motion lay on the table, which motion prevailed.

HB 691, with **SCS**, introduced by Represen-tative Barnett, et al, entitled:

An Act to repeal section 301.040, RSMo 2000, relating to notification of motor vehicle reregistration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klindt.

SCS for **HB 691**, entitled:

HOUSE BILL NO. 691

An Act to repeal section 301.040, RSMo 2000, relating to notification of motor vehicle reregistration, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Klindt moved that **SCS** for **HB 691** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Klindt, **SCS** for **HB 691** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Mathewson--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 897, introduced by Representative Kreider, et al, entitled:

An Act to repeal section 32.091, RSMo 2000, relating to motor vehicle records, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klindt.

On motion of Senator Klindt, **HB 897** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Johnson	Quick	Schneider--3
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The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 45, introduced by Representative Farnen, entitled:

An Act to repeal section 161.112, RSMo 2000, relating to the qualifications of the commissioner of education, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Bentley.

On motion of Senator Bentley, **HB 45** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Quick--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Sims moved that **SB 348**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 348**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 348

An Act to repeal sections 453.010, 453.070, 453.080 and 475.083, RSMo 2000, relating to the adoption of foster children, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Sims moved that **HCS** for **SB 348** be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Johnson	Singleton	Staples--3	
Absent with leave--Senator Carter--1			

On motion of Senator Sims, **HCS** for **SB 348** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Johnson	Scott	Staples--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

CONCURRENT RESOLUTIONS

Senator Foster moved that **SS** for **SCR 13**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SS** for **SCR 13** was taken up.

Senator Foster moved that **HCS** for **SS** for **SCR 13** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bentley	Johnson	Schneider	Scott
Staples--5			

Absent with leave--Senator Carter--1

On motion of Senator Foster, **SS** for **SCR 13**, as amended by the **HCS**, was adopted by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Johnson	Scott	Staples--4
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Absent with leave--Senator Carter--1

HOUSE BILLS ON THIRD READING

At the request of Senator Wiggins, **HB 444**, with **SCA 1**, was placed on the Informal Calendar.

HS for **HB 421**, with **SCS**, entitled:

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Kinder.

SCS for **HS** for **HB 421**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 421

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kinder moved that **SCS** for **HS** for **HB 421** be adopted.

Senator Kinder offered **SS** for **SCS** for **HS** for **HB 421**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE BILL NO. 421

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

Senator Kinder moved that **SS** for **SCS** for **HS** for **HB 421** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421, Page 2, Section 537.053, Line 17 of said page, by striking the words "known to be" and inserting in lieu thereof the following: **"must be shown to be made by a person who knew or had reason to know that the recipient was a person"**; and further amend line 18 of said page, by striking the words "known to be" and inserting in lieu thereof the word **"was"**; and further amend said line, by inserting immediately after the word "intoxicated" the following: **", and"**; and further amend lines 21-23 of said page, by striking all of said lines and inserting in lieu thereof the following: **"intoxicated" when intoxicated to such an extent that such person's physical faculties are impaired to such a degree that it is obvious to a reasonably prudent person under the same or similar circumstances. A blood test or"**; and further amend line 24 of said page, by striking the word "result" and inserting in lieu thereof the following: **"indicating that a person's blood alcohol level is"**; and further amend lines 25-26 of said page, by striking the following: "of "obviously intoxicated" and inserting in lieu thereof the following: **"that a person is obviously intoxicated"**.

Senator Caskey moved that the above amendment be adopted.

Senator Kinder requested a division of the question, asking that a vote first be taken on the portion of the amendment dealing with line 17 and that a second vote be taken on the remainder of the amendment.

Senator Jacob raised the point of order that the request for a division of the question is unreasonable because of the subject matter of the amendment.

At the request of Senator Kinder, the request for a division of the question was withdrawn, rendering the point of order moot.

SA 1 was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SS** for **SCS** for **HS** for **HB 421**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **HS** for **HB 421**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Bland

Caskey

Cauthorn

Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Scott--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

HB 385, with **SCS**, introduced by Represen-tative Franklin, entitled:

An Act to amend chapter 169, RSMo, relating to certain school retirement systems, by adding thereto one new section relating to the same subject.

Was taken up by Senator Foster.

SCS for **HB 385**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 385

An Act to repeal sections 169.070, 169.075 and 169.670, RSMo 2000, relating to public school retirement systems, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Foster moved that **SCS** for **HB 385** be adopted.

Senator Foster offered **SS** for **SCS** for **HB 385**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 385

An Act to repeal sections 50.1000, 56.807, 56.816, 105.269, 160.420, 169.070, 169.075, 169.270, 169.280, 169.291, 169.301, 169.315, 169.324, 169.410, 169.420, 169.430, 169.440, 169.450, 169.460, 169.462, 169.466, 169.471, 169.475, 169.476, 169.480, 169.490, 169.500, 169.510, 169.520, 169.540, 169.650 and 169.670, RSMo 2000, relating to retirement systems, and to enact in lieu thereof thirty-three new sections relating to the same subject, with an emergency clause for certain sections and an effective date for certain sections.

Senator Foster moved that **SS** for **SCS** for **HB 385** be adopted.

Senator Loudon offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 113, Section 169.670, Line 24, by inserting after all of said line the following:

"287.812. As used in sections 287.812 to 287.855, unless the context clearly requires otherwise, the following terms shall mean:

- (1) "Administrative law judge", any person appointed pursuant to section 287.610 [or], section 621.015 **or section 622.020**, RSMo, or any person who hereafter may have by law all of the powers now vested by law in administrative law judges appointed [under] **pursuant to** the provisions of the workers' compensation law, **or any attorney, other than the general counsel or any attorney who serves under the general counsel, who is appointed by the public service commission to preside over matters pending before the commission and who is licensed to practice law in this state;**
- (2) "Beneficiary", a surviving spouse married to the deceased administrative law judge or legal advisor of the division of workers' compensation continuously for a period of at least two years immediately preceding the administrative law judge's or legal advisor's death and also on the day of the last termination of such person's employment as an administrative law judge or legal advisor for the division of workers' compensation, or if there is no surviving spouse eligible to receive benefits, any minor child of the deceased administrative law judge or legal advisor, or any child of the deceased administrative law judge or legal advisor who, regardless of age, is unable to support himself because of mental retardation, disease or disability, or any physical handicap or disability, who shall share in the benefits on an equal basis with all other beneficiaries;
- (3) "Benefit", a series of equal monthly payments payable during the life of an administrative law judge or legal advisor of the division of workers' compensation retiring pursuant to the provisions of sections 287.812 to 287.855 or payable to a beneficiary as provided in sections 287.812 to 287.850;
- (4) "Board", the board of trustees of the Missouri state employees' retirement system;
- (5) "Division", the division of workers' compensation of the state of Missouri;
- (6) "Legal advisor", any person appointed or employed pursuant to section 287.600, 287.615, or 287.616 to serve in the capacity as a legal advisor or an associate administrative law judge and any person appointed pursuant to section 286.010, RSMo, or pursuant to section 295.030, RSMo, and any attorney or legal counsel appointed or employed pursuant to section 286.070, RSMo;
- (7) "Salary", the total annual compensation paid for personal services as an administrative law judge or legal advisor, or both, of the division of workers' compensation by the state or any of its political subdivisions.

287.815. 1. Effective August 28, 1999, any person, sixty-two years of age or older, who has served or who has creditable service in this state for an aggregate of at least twelve years, or any person, sixty years of age or older, who has served or who has creditable service in this state for an aggregate of at least fifteen years or any person, fifty-five years of age or older, who has served or who has creditable service in this state for an aggregate of twenty years, continuously or otherwise, as an administrative law judge or legal advisor, or both, [of the division,] and who, on or after August 13, 1984, ceases to hold office by reason of the expiration of his or her term, voluntary resignation, retirement pursuant to the provisions of sections 287.812 to 287.856, or removal by the governor for any nondisciplinary reason, shall receive benefits as provided in sections 287.812 to 287.856. The twelve years', fifteen years' or twenty years' requirement of this section may be fulfilled by service as an administrative law judge or legal advisor, or both, [of the division] at any time prior to or after August 13, 1984. If a person appointed pursuant to section 286.010, RSMo, **or section 622.020, RSMo**, or a chairman appointed pursuant to section 295.030, RSMo, does not have twelve years' or fifteen years' service, as required pursuant to this subsection, as an administrative law judge or legal advisor, or both, but the person has served in the general assembly, each biennial assembly or partial biennial

assembly either served or purchased shall be deemed and credited as two full years of creditable service as an administrative law judge or legal advisor if the person waives in writing all right to any other retirement benefit provided by his or her service as a member of the general assembly.

2. Any aggregate of twelve years or more of such service shall entitle the person to retirement benefits provided in sections 287.812 to 287.856 regardless of whether or not the person was so employed upon reaching the age of eligibility as described in subsection 1 of this section. However, the retirement benefits shall not be paid to the person until that person attains the age of eligibility as described in subsection 1 of this section.

3. If a person appointed pursuant to section 286.010, RSMo, or pursuant to section 295.030, RSMo, or pursuant to section 621.015, RSMo, **or pursuant to section 622.020, RSMo**, or an attorney or legal counsel appointed or employed pursuant to section 286.070, RSMo, **or any attorney, other than the general counsel or any attorney who serves under the general counsel, who is appointed by the public service commission to preside over matters pending before the commission and who is licensed to practice law in this state**, does not have twelve years' service as an administrative law judge or legal advisor, or both, but the person has creditable service under the Missouri state employees' retirement system, such person may elect that such service be credited as service as an administrative law judge or legal advisor if the person waives in writing all right to any other retirement benefit provided for other service. Persons appointed pursuant to section 621.015, RSMo, shall be required to have served a majority of a term in order to qualify for benefits pursuant to sections 287.812 to 287.856.

4. Any person who has been appointed and has served pursuant to section 621.015, RSMo, prior to August 28, 1999, who is receiving or thereafter is qualified to receive retirement benefits pursuant to section 104.374, RSMo, shall upon application be made, constituted, appointed and employed by the board of trustees of the Missouri state employees' retirement system as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the administrative hearing commission, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation for such services and in lieu of receiving benefits pursuant to section 104.374, RSMo, each such special consultant shall be eligible for all benefits payable pursuant to sections 287.812 to 287.856, effective upon the later of August 28, 1999, or the date retirement benefits become payable. In no event shall retroactive benefits be paid.

287.825. 1. On and after August 13, 1984, in the event that a person who is serving as an administrative law judge or legal advisor [of the division] dies, retirement benefits shall be paid in monthly installments to his beneficiary in the amount equal to fifty percent of the amount of the retirement benefits provided in section 287.820 regardless of the period of his service; except that where the period of service could not have been twelve years or more because of a voluntary or mandatory retirement provision, the retirement benefits provided by this subsection shall be reduced by the proportion that the number of years that he would have lacked serving twelve years had he been able to serve until voluntary or mandatory retirement bears to twelve years. The benefits to the beneficiary provided herein shall commence immediately upon the death of the administrative law judge or legal advisor.

2. In the event a person who has retired under the provisions of sections 287.812 to 287.855 dies, benefits, in the amount equal to fifty percent of the amount of the retirement benefits paid to the person under the provisions of sections 287.820 to 287.830 shall be paid in monthly installments to his beneficiary.

3. In the event that a person dies who has served in this state for an aggregate of twelve years, continuously or otherwise, as an administrative law judge or legal advisor, or both [of the divisions] and who, after August 13, 1984, ceased or ceases to hold office by reason of the expiration of his term, voluntary resignation or removal by the governor for nondisciplinary reasons, but who has not retired under the provisions of sections 287.812 to 287.855, retirement compensation shall be paid in monthly installments to his beneficiary in the amount equal to fifty percent of the amount of retirement compensation provided in section 287.820. The benefits to the beneficiary provided herein shall commence immediately upon the death of the former administrative law judge or legal advisor.

4. In the event that any surviving spouse receiving benefits under the provisions of sections 287.812 to 287.855 dies leaving a surviving beneficiary as defined in section 287.812, the benefits received by such surviving spouse shall be paid to such surviving beneficiary during the remainder of the period of his eligibility. If such surviving spouse leaves

more than one surviving beneficiary, then each beneficiary during the remainder of the period of his eligibility shall receive a pro rata share of the amount paid to the surviving spouse under the provisions of sections 287.812 to 287.855.

287.830. Any administrative law judge or legal advisor who has served as such for less than twelve years and is otherwise qualified under sections 287.812 to 287.855 may elect to retire at age sixty-five, or thereafter, at a reduced retirement benefit in a sum equal to the proportion of the retirement benefit provided in section 287.820 that his period of service as an administrative law judge or legal advisor, or both, [of the division] bears to twelve years.

622.020. 1. Three administrative law judges shall also be appointed for the division. They shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. Each shall be appointed for a term of six years, except of those first appointed, one shall be appointed for a term of four years, and one for a term of two years. Each shall be an attorney-at-law admitted to practice before the supreme court of Missouri, and while serving in this capacity as an administrative law judge shall not otherwise practice law during his term of office. Not more than two of the administrative law judges shall be members of the same political party.

2. Administrative law judges shall [be compensated at the same rate] **receive the same compensation and benefits** as administrative hearing commissioners [are compensated], and they shall be reimbursed for actual and necessary expenses incurred in the performance of their duties."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SS** for **SCS** for **HB 385** is out of order as it goes beyond the scope and purpose of the underlying legislation.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Rohrbach assumed the Chair.

SA 1 was again taken up.

Senator Loudon moved that the above amendment be adopted, which motion failed.

President Maxwell assumed the Chair.

Senators Kenney and Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 10, Section 160.420, Line 3 of said page, by inserting immediately after said line the following:

"162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974,

when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section**, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Foster, **HB 385**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 796** and has taken up and passed **SCS** for **HB 796**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 607** and has taken up and passed **SCS** for **HB 607**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 151** and grants the Senate a conference thereon and the conferees be allowed to exceed the differences.

The Speaker has appointed the following Conference Committee to act with a like committee from the Senate.
Representatives: Gaskill, Luetkemeyer, Ward, Lutkenhaus and Liese.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 462**, as amended, and grants the Senate a conference thereon.

The Speaker has appointed the following Conference Committee to act with a like committee from the Senate. Representatives: Legan, Myers, Shoemyer, Barnitz and Merideth.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 610** and grants the Senate a conference thereon.

The Speaker has appointed the following Conference Committee to act with a like committee from the Senate. Representatives: Ridgeway, Phillips, Hoppe, Rizzo and Skaggs.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 193**, as amended, and grants the Senate a conference thereon.

The Speaker has appointed the following Conference Committee to act with a like committee from the Senate. Representatives: Henderson, Surface, Ward, Luetkenhaus and Liese.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HBs 144** and **46**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HCS** for **HB 567**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences on **SA 15**.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 567**, as amended, and grant the House a conference thereon, and further that the conferees be allowed to exceed the differences on **SA 15**, which motion prevailed.

Senator Westfall moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HBs 302** and **38**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 193**, as amended: Senators Rohrbach, Klindt, Kenney, Scott and Jacob.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 151**: Senators Childers, Bentley, Gross, Stoll and Johnson.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 567**, as amended: Senators Klarich, Kenney, Westfall, Dougherty and Wiggins.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS for SB 462**, as amended: Senators Westfall, Foster, Cauthorn, Johnson and House.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS for SB 610**: Senators Westfall, Gross, Cauthorn, Johnson and Staples.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HBs 302 and 38**, as amended: Senators Westfall, Singleton, Klarich, House and Caskey.

PRIVILEGED MOTIONS

Senator Kenney moved that the Senate refuse to recede from its position on **SS for SCS for HCS for HBs 144 and 46**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS for SCS for HCS for HBs 144 and 46**, as amended: Senators Kenney, DePasco, Mathewson, Foster and Klarich.

Photographers from KMIZ-TV and KOMU-TV were given permission to take pictures in the Senate Chamber today.

BILLS DELIVERED TO THE GOVERNOR

HCS for SCS for SB 382, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

On motion of Senator Kenney, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS for HB 945** and has taken up and passed **SCS for HB 945**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS for SCS for HB 575** and has taken up and passed **SS for SCS for HB 575**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1 and SCA 2 to HB 52** and has taken up and passed **HB 52**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House of Representatives request further conference on **SCS** for **HCS** for **HB 10** and that the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 267**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 16** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate grant the House a further conference on **SCS** for **HCS** for **HB 10**, as amended, and allow the conferees to exceed the differences, which motion prevailed.

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HB 16** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 267**, as amended: Senators Klarich, Gibbons, Steelman, Jacob and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended: Senators Russell, Rohrbach, Westfall, Wiggins and Goode.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Childers moved that the vote by which **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Stelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Jacob	Johnson	Schneider--3
Absent with leave--Senator Carter--1		

Senator Childers moved that the Senate refuse to concur in **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which

motion prevailed.

HOUSE BILLS ON THIRD READING

HB 865, introduced by Representative Davis, entitled:

An Act to repeal section 160.522, RSMo 2000, and to enact in lieu thereof one new section relating to building-level school accountability report cards.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HB 865** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Dougherty	Jacob--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

HB 725, introduced by Representative Britt, entitled:

An Act to repeal section 165.011, RSMo 2000, relating to transfers of funds in certain school districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Foster.

On motion of Senator Foster, **HB 725** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	Johnson	Kenney	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators			
Caskey	Goode	House--3	
Absent--Senators			

Jacob
Kinder--2
Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

HB 881, with **SCS**, introduced by Represen-tative Scott, et al, entitled:

An Act to repeal section 198.280, RSMo 2000, relating to nursing home districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **HB 881**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 881

An Act to repeal section 198.280, RSMo 2000, relating to nursing home districts, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 881** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **HB 881** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Kenney	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Jacob	Johnson	Kinder	Klarich
Schneider--5			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Yeckel moved that motion lay on the table, which motion prevailed.

HB 606, with **SCS**, introduced by Represen-tative Kennedy, et al, entitled:

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up by Senator Yeckel.

SCS for **HB 606**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 606

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 606** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 606** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Johnson	Klarich	Schneider--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell requested unanimous consent of the Senate to suspend the rules for the purpose of taking up **HCS** for **HB 14**, with **SCS**, for third reading and final passage, which request was granted.

HCS for **HB 14**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Health, Department of Social Services, Department of Mental Health, Department of Higher Education and institutions of higher education included therein, Department of Elementary and Secondary Education, and the Office of Administration, and the

several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up by Senator Russell.

SCS for **HCS** for **HB 14**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 14

An Act to appropriate money for the expenses, grants, distributions, planning and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions of the Department of Health, Department of Social Services, Department of Mental Health, Department of Public Safety, Department of Higher Education and institutions of higher education included therein, Department of Elementary and Secondary Education, and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was taken up.

Senator Russell moved that **SCS** for **HCS** for **HB 14** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Russell, **SCS** for **HCS** for **HB 14** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins--28

NAYS--Senators

Gibbons	Klarich	Loudon	Yeckel--4
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Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House

on **SS** for **SCS** for **HCS** for **HB 567**, as amended: Senators Klarich, Loudon, Dougherty, Westfall and Wiggins.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 16**: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **HB 80**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Singleton moved that the vote by which **SA 9** to **SCS** for **HB 80** was adopted be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Yeckel--24

NAYS--Senators

Caskey	DePasco	Goode	House
Jacob	Mathewson	Quick	Wiggins--8

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

SA 9 was again taken up.

At the request of Senator Kenney, **HB 80**, with **SCS** and **SA 9** (pending), was placed on the Informal Calendar.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 586**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Scott and Senator Mathewson requested that under the provisions of Senate Rule 85, that the motion be reduced to writing.

Senator Klindt submitted the following motion, which was read:

Pursuant to Rule 6, I move that **SCS** for **SB 586** be called up out of order for consideration by the Senate.

Senator Caskey requested a roll call vote be taken on Senator Klindt's motion and was joined in his request by Senators DePasco, House, Quick and Scott.

Senator Klindt's motion was adopted by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel--18		

NAYS--Senators

Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Mathewson	Quick	Schneider	Scott
Staples	Stoll	Wiggins--15	
	Absent--Senators--None		
	Absent with leave--Senator Carter--1		

SCS for **SB 586**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 586

An Act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

Was taken up.

Senator Klindt moved that **SCS** for **SB 586** be adopted.

At the request of Senator Klindt, **SB 586**, with **SCS** (pending), was placed on the Informal Calendar.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 5** and **21**; and **HCS** for **SCS** for **SB 619**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 736**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SCS** for **SB 619** and **SCS** for **SBs 5** and **21**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SCS** for **SB 619** and **SCS** for **SBs 5** and **21**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 267**, as amended. Representatives Lograsso, Byrd, Monaco, Hosmer, Carnahan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 567**, as amended. Representatives Nordwald, Crawford, Treadway, Johnson (90), Shoemyer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HBs 144** and **46**, as amended. Representatives: Bartle, Cierpiot, Monaco, Bonner and Relford.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HBs 302** and **38**, as amended. Representatives: Hosmer, Britt, Kelly 36, Mayer and Gaskill.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HS** for **HJR 11** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HB 16**. Representatives: Green 73, Ford, Graham, Shields and Bearden.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 14** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 14** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 14**: Senators Russell, Westfall, Rohrbach, Goode and Wiggins.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 768, regarding Elaine Singleton LeJeune, Halfway, which was

adopted.

Senator Westfall offered Senate Resolution No. 769, regarding Janell Jones, Hermitage, which was adopted.

Senator Russell offered Senate Resolution No. 770, regarding the Buffalo FFA Chapter, which was adopted.

Senator Gross offered Senate Resolution No. 771, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Luecke, St. Charles, which was adopted.

Senator Cauthorn offered Senate Resolution No. 772, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bernard Strode, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 773, regarding Larry L. Bennett, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 774, regarding Paul Fix, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 775, regarding Alyse Rothrock, Mexico, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Klarich and herself, Senator Sims introduced to the Senate, the Physician of the Day, Dr. Alex Denes, M.D., and his wife, Mary, Ladue.

Senator Stoll introduced to the Senate, thirty students from Our Lady's School, Festus.

Senator Steelman introduced to the Senate, Judy and Jeff Berna, and their children, Isaac, Michael and Meredith, Holts Summit; and Isaac, Michael and Meredith were made honorary pages.

Senator Wiggins introduced to the Senate, eighth grade students from Our Lady of Peace School, Kansas City.

Senator Cauthorn introduced to the Senate, Shellie Roland, Lisa Humes and seventh and eighth grade students from Wyaconda School, Wyaconda.

Senator Gibbons introduced to the Senate, students from Edgewood Children's Center, Webster Groves.

The President introduced to the Senate, Kelley C. Rohlfing, Fayette; Kyle Clower and Adam Anderton, St. Joseph; and Andi Wilkinson, Columbia.

Senator Loudon introduced to the Senate, Julie, Eileen, Michael and Mathew Pedroley, Homeschoolers from Chesterfield; and Michael and Mathew were made honorary pages.

Senator House introduced to the Senate, Vaden and Margo Francisco, Oregon; and Robin Francisco, Columbia.

On behalf of Senator Westfall and himself, Senator Caskey introduced to the Senate, Marie and Dalton Wessley, Nevada; and Dalton was made an honorary page.

Senator Bentley introduced to the Senate, her grandson, Charlie Bentley, Mrs. Liz Viele, Mrs. Amy Hopkins and fourth grade students from Rountree School, Springfield; and Charlie, Darren Shaw, Jaque Schoville, Rudy Fotch, Gloria

Statwick and Katelyn Oldham were made honorary pages.

Senator Steelman introduced to the Senate, her parents, John and Jackie Hearne, Jefferson City.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Wednesday, May 9, 2001.

SENATE CALENDAR

SIXTY-NINTH DAY-WEDNESDAY, MAY 9, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 981 &
665-Willoughby

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon
(In Budget Control)

SS for SB 242-Kenney
(In Budget Control)

SCS for SB 225-Mathewson
(In Budget Control)

SS for SCS for SBs 334 &
228-Kinder
(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS HOUSE BILLS ON THIRD READING

1. HCS for HBs 205, 323

& 549, with SCS

(Childers)

2. HB 662-Green (73) and

St. Onge, with SCS

(Foster)

3. HS for HCS for HB 425-

O'Toole (DePasco)

4. HB 285-Riback Wilson,

et al (Jacob)

5. HB 120-O'Connor, with

SCS (Caskey)

6. HB 163-Berkowitz and

Wagner (Westfall)

7. HB 471-Jolly, et al,

with SCS (Wiggins)

8. HB 626-Hosmer, with

SCS (Bentley)

9. HS for HCS for HB 107-

Clayton, with SCS

(Klarich) (In Budget Control)

10. HCS for HB 50, with

SCS (Stoll)

(In Budget Control)

11. HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

12. HB 185-Legan, et al,

with SCS (Gross)

13. HCS for HB 738 (Klarich)

14. HCS for HBs 441, 94 &

244 (Johnson)

15. HB 453-Ransdall, et al,

with SCS (Steelman)

16. HB 501-Bowman, et al,

with SCS (Steelman)

(In Budget Control)

17. HCS for HB 581, with

SCS (Klindt)

18. HB 133-Gambaro, with

SCS (Yeckel)

19. HCS for HB 241, with

SCS (Caskey)

20. HS for HCS for HBs 328 &

88-Harlan, with SCS (Sims)

21. HB 70-Koller, with

SCA 1 (Staples)

22. HB 678-Seigfreid,

with SCS (Mathewson)

23. HS for HCS for HB 824-

Abel (Mathewson)

(In Budget Control)

24. HS for HCS for HBs 924,

714, 685, 756, 734 &

518-Wiggins, with SCS

(Mathewson)

(In Budget Control)

25. HB 769-Harlan (House)

26. HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

27. HB 621-Gratz and

Vogel, with SCA 1

(Rohrbach)

28. HB 262-Linton, et al,

with SCAs 1 & 2

(Klarich)

29. HS for HCS for HB 327-

Rizzo, with SCS

(In Budget Control)

30. HB 219-Townley, et al,

with SCS (Cauthorn)

31. HS for HB 736-Liese,

with SCS INFORMAL CALENDAR

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,

with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 586-Klindt, with SCS

(pending)

SB 593-Klindt, with SCS

SJR 11-Yeckel

HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS &

SA 9 (pending) (Kenney)

HS for HB 381-Hoppe, with

SCS, SS for SCS & SA 12

(pending) (Kenney)

HB 385-Franklin, with SCS

& SS for SCS (pending)

(Foster)

HB 444-Kreider, et al,

with SCA 1 (Wiggins)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HS for HCS for HB 762-

Barry, with SCS, SS

for SCS, SA 8 & SSA 1

for SA 8 (pending)

(Sims and Stoll)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with SS,

SA 1 & point of order

(pending) (Yeckel)

CONSENT CALENDAR

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al

(Stoll)

HB 202-Rizzo, with SCS

(Kenney)

HB 242-Smith, with SCS

(House)

HB 361-Shoemyer, with SCS

(Goode)

HB 498-Wagner and McKenna,

with SCS (Stoll)

HB 679-Boykins (Sims)

HB 473-Robirds, with SCS

(Foster)

HB 904-Merideth, et al,

with SCS (Foster)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 86-Rohrbach, with HCS,

as amended

SB 274-Caskey, with HCS

SB 307-Jacob, with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SCS for SB 151-Childers,

with HCS

SS for SB 193-Rohrbach,

with HCS, as amended

SS for SCS for SB 267-

Klarich, with HS for

HCS, as amended

SB 462-Westfall, with HCS,

as amended

SB 610-Westfall, with HCS

HCS for HB 2, with SCS

(Russell)

HCS for HB 3, with SCS

(Russell)

HCS for HB 4, with SCS

(Russell)

HCS for HB 5, with SCS

(Russell)

HCS for HB 6, with SCS,

as amended (Russell)

HCS for HB 7, with SCS

(Russell)

HCS for HB 8, with SCS

(Russell)

HCS for HB 9, with SCS

(Russell)

HCS for HB 10, with SCS,

as amended (Russell)

HCS for HB 11, with SCS,

as amended (Russell)

HCS for HB 12, with SCS

(Russell)

HCS for HB 13, with SCS

(Russell)

HCS for HB 14, with SCS

(Russell)

HB 16-Green, with SCS

(Russell)

HCS for HB 18, with SCS,

as amended (Russell)

HCS for HB 19, with SCS

(Russell)

HCS for HBs 144 & 46,

with SS for SCS, as

amended (Kenney)

HCS for HBs 302 & 38,

with SCS, as amended

(Westfall)

HB 491-George, with SCS

(Goode)

HCS for HB 567, with SS

for SCS, as amended (Klarich)

Requests to Recede or Grant Conference

SS for SCS for SBs 323 &

230-Childers, with HS,

as amended

(Senate requests House

recede or grant conference)

HS for HJR 11-Gambaro,

with SA 1 (Goode)

(House requests Senate

recede or grant conference) RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt (House)

SR 495-Klarich, with SCS

HCR 24-Boucher, with SCS

(Yeckel) Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-NINTH DAY--WEDNESDAY, MAY 9, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Hans Seale wrote: "A little stress is like a little salt, it flavors the moment...(but) excessive stress is killing us."

Gracious God, many of us thrive on the stress to accomplish those things we have set out to do; it excites our days and gives us a sense of purpose. But we also know that in these closing days with much yet to be done and much more to bring to completion the little stress becomes greater and our bodies and spirits feel its negative effects. So we pray, calm our hearts and minds with Your presence, let Your healing peace quiet our stressful moments and give us a sense of faithfulness to get done only what must be brought to completion. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to recede from its position on **SA 1** to **HS** for **HJR 11** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HJR 11**, as amended: Senators Goode, Gibbons, Gross, Klarich and Scott.

HOUSE BILLS ON THIRD READING

HB 202, with **SCS**, introduced by Representative Rizzo, entitled:

An Act to repeal sections 238.207, 238.216, 238.220, 238.235 and 238.252, RSMo 2000, relating to transportation development districts, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Kenney.

SCS for **HB 202**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 202

An Act to repeal sections 238.207, 238.216, 238.220, 238.235 and 238.252, RSMo 2000, relating to transportation development districts, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Kenney moved that **SCS** for **HB 202** be adopted, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Kenney, **SCS** for **HB 202** was read the 3rd time and passed by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klindt	Loudon	Mathewson
Rohrbach	Schneider	Scott	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel--26		

NAYS--Senator Bland--1

Absent--Senators

Bentley	Jacob	Klarich	Quick
Russell	Stoll--6		

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
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Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

NAYS--Senator Bland--1

Absent--Senators

Bentley	Jacob	Kinder	Quick
Russell	Schneider	Singleton--7	
	Absent with leave--Senator Carter--1		

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 242, with **SCS**, introduced by Represen-tative Smith, entitled:

An Act to repeal section 67.1360, RSMo 2000, relating to tourism taxes in certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

SCS for **HB 242**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 242

An Act to repeal sections 67.1003 and 67.1360, RSMo 2000, relating to tourism taxes in certain cities, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **HB 242** be adopted.

Senator House requested unanimous consent of the Senate to suspend the rules for the purpose of offering an amendment, which request was granted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 242, Page 2, Section 67.1003, Line 30, by striking the word "class" and inserting in lieu thereof the word "**classification**"; and

Further amend said bill, Page 4, Section 67.1360, Line 59, by striking the word "seven" and inserting in lieu thereof the word "**three**"; and further amend said line, by striking the word "five" and inserting in lieu thereof the word "**four**"; and further amend said line, by inserting before the word "inhabitants" the words "**five hundred**"; and further amend line 61, by striking the word "seventeen" and inserting in lieu thereof the word "**sixteen**"; and further amend said line, by striking the word "eighteen" and inserting in lieu thereof the word "**sixteen**"; and further amend line 62, by inserting after the word "thousand" the words "**two hundred**"; and further amend line 64, by striking the word "seventeen" and

inserting in lieu thereof the word "**sixteen**"; and further amend line 65, by striking the word "eighteen" and inserting in lieu thereof the word "**sixteen**"; and further amend said line, by inserting after the word "thousand" the words "**two hundred**"; and further amend line 66, by striking the word "three" and inserting in lieu thereof the word "**two**"; and further amend line 67, by striking the word "two" and inserting in lieu thereof the word "**four**"; and further amend said line, by striking the word "four" and inserting in lieu thereof the word "**two**"; and further amend said line by inserting before the word "inhabitants" the words "**six hundred**".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator House moved that **SCS** for **HB 242**, as amended, be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **HB 242**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Russell	Schneider--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 361, with **SCS**, introduced by Represen-tative Shoemyer, et al, entitled:

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Goode.

SCS for **HB 361**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 361

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

Was taken up.

Senator Goode moved that **SCS** for **HB 361** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Goode, **SCS** for **HB 361** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Schneider--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator Carter--1			

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Stoll moved that motion lay on the table, which motion prevailed.

HB 498, with **SCS**, introduced by Represen-tatives Wagner and McKenna, entitled:

An Act to repeal section 78.450, RSMo 2000, relating to ballot questions for maintaining the city manager form of government, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Stoll.

SCS for **HB 498**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 498

An Act to repeal section 78.450, RSMo 2000, relating to ballot questions for maintaining the city manager form of government, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **HB 498** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **HB 498** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Jacob	Scott--3
Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate conferees on **SCS** for **HB 16** be allowed to exceed the differences, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 679, introduced by Representative Boykins, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employee leave of absence for organ donation.

Was called from the Consent Calendar and taken up by Senator Sims.

On motion of Senator Sims, **HB 679** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich

Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

HB 473, with **SCS**, introduced by Represen-tative Robirds, et al, entitled:

An Act to amend chapter 263, RSMo, by adding thereto one new section relating to noxious weeds.

Was called from the Consent Calendar and taken up by Senator Foster.

SCS for **HB 473**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 473

An Act to amend chapter 263, RSMo, by adding thereto one new section relating to noxious weeds.

Was taken up.

Senator Foster moved that **SCS** for **HB 473** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HB 473** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Singleton--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 904, with **SCS**, introduced by Represen-tative Merideth, et al, entitled:

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330 and 252.333, RSMo 2000, relating to agroforestry, and to enact in lieu thereof eight new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Foster.

SCS for **HB 904**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 904

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330 and 252.333, RSMo 2000, relating to agroforestry, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Foster moved that **SCS** for **HB 904** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **HB 904** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Childers	Singleton--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Foster, title to the bill was agreed to.

Senator Foster moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Yeckel moved that **HCR 24**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **HCR 24** was taken up.

Senator Yeckel moved that **SCS** for **HCR 24** be adopted, which motion prevailed.

On motion of Senator Yeckel, **HCR 24**, as amended by the **SCS**, was adopted by the following vote:

	YEAS--Senators		
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Bland	Schneider	Singleton--4
	Absent with leave--Senator Carter--1		

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 586**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 586** was again taken up.

Senator Staples offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 586, Page 143, Section 128.440, Line 617, by inserting after all of said line, the following:

"Section 1. No member of the general assembly enacting sections 128.400 to 128.440 of this act shall be permitted to run for election to the United States Congress as a representative from this state during the 108th through the 112th Congress."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted.

At the request of Senator Staples, **SA 1** was withdrawn.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 586, Pages 126-143, Section 128.440, by striking all of said section from the bill and inserting in lieu thereof the following:

"128.440. The ninth district shall be composed of the following:

Adair County

Audrain County

Boone County

Callaway County (part)

VTD: 02710 FultonWard3

VTD: 02711 FultonWard4

VTD: 02712 FultonWest

VTD: 02713 Guthrie

VTD: 02714 HamsPrairie

VTD: 02715 Hatton

VTD: 02716 HoltsSummitRural (part)

BLK: 706002050

BLK: 706002051

BLK: 706002060

BLK: 707001017

BLK: 707001019

BLK: 707001021

BLK: 707002006

BLK: 707002007

BLK: 707002013

BLK: 707002014

BLK: 707002015

BLK: 707002041

BLK: 707003028

BLK: 708001005

BLK: 708002005

BLK: 708002006

BLK: 708002007

BLK: 708002008

BLK: 708002009

BLK: 708002010

BLK: 708002016

BLK: 708002017

BLK: 708002018

BLK: 708002019

BLK: 708002020

BLK: 708002021

BLK: 708002022

BLK: 708002023

BLK: 708003004

BLK: 708003005

BLK: 708003006

BLK: 708003007

BLK: 708003012

BLK: 708003026

BLK: 708003027

BLK: 708003028

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BLK: 708004012

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BLK: 708004014

BLK: 708004015

BLK: 708004016

BLK: 708004017

BLK: 708004018

BLK: 708004019

BLK: 708004020

BLK: 708004021

BLK: 708004022

BLK: 708004023

BLK: 708004996

VTD: 02717 HoltsSummitWard1

VTD: 02718 HoltsSummitWard2

VTD: 02719 McCredie

VTD: 0272 Auxvasse

VTD: 02720 Millersburg

VTD: 02721 Mokane

VTD: 02722 NewBloomfield

VTD: 02723 Portland

VTD: 02724 Readsville

VTD: 02725 Shamrock

VTD: 02726 Stephens

VTD: 02727 Tebbetts (part)

BLK: 706004051

BLK: 706004123

BLK: 706004124

BLK: 707001000

BLK: 707001011

BLK: 707001999

BLK: 707003000

BLK: 707003001

BLK: 707003002

BLK: 707003003

BLK: 707003004

BLK: 707003005

BLK: 707003006

BLK: 707003007

BLK: 707003008

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BLK: 707003065

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BLK: 707003101

BLK: 707003102

BLK: 707003103

BLK: 707003104

BLK: 707003105

BLK: 707003106

BLK: 707003107

BLK: 707003113

BLK: 707003114

BLK: 707003115

BLK: 707003116

BLK: 707003999

VTD: 02728 Williamsburg

VTD: 0273 Calwood

VTD: 0274 Carrington

VTD: 0276 Dixie

VTD: 0277 FultonEast

VTD: 0278 FultonWard1

VTD: 0279 FultonWard2

Clark County

Franklin County

Gasconade County

Knox County

Lewis County

Lincoln County

Macon County

Marion County

Monroe County

Montgomery County

Osage County

Pike County

Ralls County

Randolph County

Scotland County

Shelby County

St. Francois County (part)

VTD: 18710 DeslogeNo.3

VTD: 18711 DoeRun

VTD: 18716 Frankclay

VTD: 18717 IronMountainLake

VTD: 18719 Leadington

VTD: 1872 BismarckNo.1

VTD: 18720 LeadwoodNo.1

VTD: 18721 LeadwoodNo.2

VTD: 18723 PHNo.1

VTD: 18724 PHNo.2

VTD: 18725 PHNo.3

VTD: 18726 PHNo.4

VTD: 18727 Patterson

VTD: 18728 TerreDuLac

VTD: 18729 Timberline

VTD: 1873 BismarckNo.2

VTD: 1874 BonneTerreNo.1&3

VTD: 1875 BonneTerreNo.2&4

VTD: 1877 Delassus

VTD: 1878 DeslogeNo.1

VTD: 1879 DeslogeNo.2

Warren County

Washington County".

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
Absent--Senators			
Bentley	Bland	Kinder	Klarich--4
Absent with leave--Senator Carter--1			

SA 2 was again taken up.

Senator Singleton assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
Absent--Senators			
Bentley	Mathewson	Quick	Russell
Scott--5			
Absent with leave--Senator Carter--1			

President Maxwell assumed the Chair.

Senator Singleton requested unanimous consent of the Senate to allow the Committee on Public Health and Welfare to meet at 1:30 p.m. while the Senate is in session, which request was granted.

A quorum was established by the following vote:

Present--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Klindt	Mathewson	Quick
Rohrbach	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
Absent--Senators			

Bland	DePasco	Kinder	Klarich
Loudon	Russell	Schneider	Staples--8
Absent with leave--Senator Carter--1			

SA 2 was again taken up.

A quorum was established by the following vote:

Present--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	House
Jacob	Klindt	Loudon	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Stoll	Westfall
Wiggins	Yeckel--22		
Absent--Senators			
Bland	DePasco	Dougherty	Goode
Johnson	Kenney	Kinder	Klarich
Mathewson	Schneider	Steelman--11	
Absent with leave--Senator Carter--1			

SA 2 was again taken up.

A quorum was established by the following vote:

Present--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Jacob	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Stoll	Westfall
Wiggins	Yeckel--22		
Absent--Senators			
Bland	DePasco	Goode	Johnson
Kenney	Kinder	Klarich	Schneider
Scott	Staples	Steelman--11	
Absent with leave--Senator Carter--1			

SA 2 was again taken up.

At the request of Senator Klindt, **SB 586**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 10**, as amended.
Representatives: Green 73, Wilson 42, Wilson 25, Shields and Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 14**. Representatives: Green 73, Troupe, Scheve, Hanaway and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HBs 648, HB 477 and HB 805** and has taken up and passed **SCS** for **HB 648, HB 477 and HB 805**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 691** and has taken up and passed **SCS** for **HB 691**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 881** and has taken up and passed **SCS** for **HB 881**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 606** and has taken up and passed **SCS** for **HB 606**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HB 421**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 304**, entitled:

An Act to repeal section 456.183, RSMo 2000, relating to trustees' resignation and removal, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SCS** for **SBs 323 and 230**, as amended, and grants the Senate a conference thereon.

The Speaker has appointed the following Conference Committee to act with a like committee from the Senate. Representatives: Koller, Overschmidt, Hampton, Robirds and Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 3** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 3**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 4** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 4**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 5** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 5**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 6** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 6**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 7** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 7**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 8** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 8**.

A quorum was established by the following vote:

Present--Senators			
Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Kinder
Klindt	Loudon	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
Absent--Senators			
Bland	DePasco	Dougherty	Johnson
Klarich	Mathewson	Quick	Schneider
Scott--9			
Absent with leave--Senator Carter--1			

PRIVILEGED MOTIONS

Senator Kinder moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 421**, as

amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 2, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2.
- That the House recede from its position on House Committee Substitute for House Bill No. 2.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green

/s/ Larry Rohrbach /s/ Yvonne S. Wilson

/s/ Morris Westfall /s/ Chuck Graham

/s/ Wayne Goode /s/ Charlie Shields

/s/ Harry Wiggins /s/ Roy W. Holand

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Bland	Quick	Schneider	Singleton--4
Absent with leave--Senator Carter--1			

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 2**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2 An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Bland--1

Absent--Senators

Quick	Schneider	Scott--3
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 3**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 3, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 3.
- That the House recede from its position on House Committee Substitute for House Bill No. 3.

That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 3, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green

/s/ Larry Rohrbach /s/ Yvonne S. Wilson

/s/ Morris Westfall /s/ Chuck Graham

/s/ Wayne Goode /s/ Charlie Shields

/s/ Harry Wiggins /s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bentley	Quick	Schneider--3
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Absent with leave--Senator Carter--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Quick

Schneider

Staples--3

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 4**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 4, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 4.
- That the House recede from its position on House Committee Substitute for House Bill No. 4.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 4, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green

/s/ Larry Rohrbach /s/ Joan Bray

/s/ Morris Westfall /s/ Dennis Bonner

/s/ Wayne Goode /s/ Ken Legan

/s/ Harry Wiggins /s/ Peter Myers

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Klarich

Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Kinder	Quick	Schneider	Staples--4
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Absent with leave--Senator Carter--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 4**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 4

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Dougherty	Quick	Schneider	Staples--4
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 5**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 5

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 5, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 5.
- That the House recede from its position on House Committee Substitute for House Bill No. 5.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 5, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green

/s/ Larry Rohrbach /s/ Yvonne S. Wilson

/s/ Morris Westfall /s/ Dennis Bonner

/s/ Wayne Goode /s/ Ken Legan

/s/ Harry Wiggins /s/ Larry Crawford

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider	Singleton	Staples--4
Absent with leave--Senator Carter--1			

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 5**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 5An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Jacob Staples--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 6**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 6

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 6, as amended.
- That the House recede from its position on House Committee Substitute for House Bill No. 6.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 6, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green

/s/ Larry Rohrbach /s/ Yvonne S. Wilson

/s/ Morris Westfall /s/ Bill Ransdall

/s/ Wayne Goode /s/ Ken Legan

/s/ Harry Wiggins /s/ Dan Hegeman

Senator Russell moved that the above conference committee report be adopted.

Senator Singleton assumed the Chair.

Senator Klarich offered a substitute motion that the Senate refuse to adopt the conference committee report on **SCS** for **HCS** for **HB 6**, as amended, and request the House to grant further conference on Section 6.372. He requested a roll call vote be taken and was joined in his request by Senators Gibbons, Yeckel, Foster and Westfall.

The substitute motion made by Senator Klarich failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Foster	Gibbons	Gross
House	Jacob	Klarich	Klindt
Loudon	Steelman	Yeckel--11	
NAYS--Senators			
Bentley	Caskey	Childers	Dougherty
Goode	Johnson	Kenney	Kinder
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Stoll	Westfall	Wiggins--19	
Absent--Senators			
Bland	DePasco	Staples--3	
Absent with leave--Senator Carter--1			

At the request of Senator Russell, the motion to adopt the conference committee report on **SCS** for **HCS** for **HB 6**, as amended, was withdrawn.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 52** and **HCS** for **HB 207**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 421**, as amended: Senators Kinder, Gross, Loudon, Wiggins and DePasco.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended: Senators Childers, Johnson, Bentley, Steelman and Mathewson.

President Maxwell assumed the Chair.

HOUSE BILLS ON THIRD READING

Senator Foster moved that **HB 385**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal

Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HB 385**, as amended, was again taken up.

Senator Johnson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 1, Section 50.1000, Line 13 through page 4, line 24, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SS** for **SCS** for **HB 385** is out of order as it exceeds the scope and purpose of the underlying legislation.

Senator Jacob raised the point of order that the point of order raised by Senator Singleton is dilatory as it was raised previously.

The points of order were referred to the President Pro Tem.

President Pro Tem Kinder ruled the point of order raised by Senator Singleton not well taken, rendering the point of order raised by Senator Jacob moot.

SA 3 was again taken up.

Senator Johnson moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators Gibbons, Goode, Scott and Wiggins.

SA 3 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	DePasco
Goode	House	Johnson	Kenney
Kinder	Klarich	Klindt	Mathewson
Rohrbach	Schneider	Singleton-- 15	
NAYS--Senators			
Childers	Dougherty	Foster	Gibbons
Gross	Jacob	Loudon	Quick
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel-- 17			
Absent--Senator Bland-- 1			
Absent with leave--Senator Carter-- 1			

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 4, Section 50.1000, Line 24,

by inserting after said line the following:

"50.1010. There is hereby authorized a "County Employees' Retirement Fund" which shall be under the management of a board of directors described in section 50.1030. The board of directors shall be responsible for the administration and the investment of the funds of such county employees' retirement fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 50.1000 to 50.1200, the board shall apportion the benefits according to the funds available. **An individual who is in a job classification, which the Retirement System determines is not eligible for coverage under the Retirement System, shall not be considered an Employee, unless adequate funds are provided for the costs associated with such coverage.**"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 5, Section 56.807, Line 8 of said page, by striking the following: ", after August"; and further amend lines 9 and 10 of said page, by striking said lines and inserting in lieu thereof the following: "**, counties which pursuant to section 56.363 elect to make the position of prosecuting attorney a full-time position after August 28, 2001,** and"; and

Further amend said bill, Page 6, Section 56.816, Lines 20 to 24 of said page, by striking said lines and inserting in lieu thereof the following:

"3. The normal annuity of a retired member who served as a prosecuting attorney of a county which after August 28, 2001, elected to make the position of prosecuting attorney full-time pursuant to section 56.363 shall be equal to fifty percent of the final average compensation."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 113, Section 169.670, Line 13 of said page, by inserting the following:

"476.687. **1.** Any judge as defined in section 476.515 who is actively serving pursuant to this chapter [or chapter 56, RSMo,] and has served for at least ten years shall receive additional **creditable** [credited] service for previous public employment **within** [with] the state covered by another retirement plan as defined in section 105.691, RSMo, if all of the following conditions are met:

(1) Such member has a vested right to receive a retirement benefit from the other retirement plan at the time of application pursuant to this section and is not a retiree under the other retirement plan;

(2) The other retirement plan transfers to the system an amount equal to the employee's account balance under a defined contribution plan or the amount equal to the employee's pension obligation under a defined benefit plan at the time of transfer to the extent that obligation is funded as of the plan's most recent actuarial valuation, not to exceed one hundred percent, as determined by the other retirement plan's actuary using the same assumption used in performing the last regular actuarial valuation of the transferring plan, except that in no event shall the transferred amount be less than the employee's accumulated contributions on deposit with the transferring plan;

(3) No such **creditable** [credited] service remains credited in such other retirement plan;

(4) The member applies for the additional **creditable** [credited] service in a manner and form established by the [appropriate] board.

2. Notwithstanding any provisions of section 104.800 to the contrary, any judge as defined in section 476.515 who is or was serving pursuant to this chapter and has a vested right to receive a retirement benefit from a retirement system established pursuant to sections 56.800 to 56.840, RSMo, may make a one-time transfer of all service from either retirement plan to the other. This subsection shall not apply to any judge who is receiving a retirement benefit from either retirement plan prior to the transfer."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 1, Section A, Line 12, by inserting after all of said line the following:

"43.080. [The superintendent is authorized and empowered to prescribe policies providing for increases every five years in the salaries of such members beginning with the sixth year of service, and thereafter to fix the salaries of such members in accordance therewith, except that no such five-year increase shall exceed ten percent of the member's salary.] The "service" of a member of the patrol, who has served in the armed forces of the United States and who has subsequently been reinstated as a member of the patrol within ninety days after receiving a discharge other than dishonorable from the armed forces of the United States, shall be considered service with the patrol as a member of the patrol rendered since last becoming a member prior to entrance into the armed forces of the United States; except that no member shall be entitled to any credit, privilege or benefit provided by this chapter if such member voluntarily extends or participates in an extension of the period of service, whether by reenlistment, waiver of discharge, acceptance of commission or any other action, with the armed forces beyond the period of service for which such member was originally commissioned, enlisted, inducted or called."; and

Further amend said bill, Page 7, Section 56.816, Line 10, by inserting after all of said line the following:

"104.080. Each member may retire at the end of the month during which such member shall reach normal retirement age with a normal annuity except that any patrolman may retire at age fifty-five with a normal annuity [and shall retire at age sixty]. Notwithstanding any other provisions to the contrary, any member who continues his employment with the transportation department or as a civilian member of the highway patrol after attaining seventy and one-half years of age shall receive service retirement benefits during the continuation of his employment if and to the extent that payment of such service retirement benefits is required by the Internal Revenue Code of 1986, as amended, and Treasury regulations promulgated thereunder; and such service retirement benefits shall be adjusted annually for additional benefits which shall accrue by reason of such continued employment in accordance with the rules and regulations of the board of trustees.

104.1003. Unless a different meaning is plainly required by the context, the following words and phrases as used in sections 104.1003 to 104.1093 shall mean:

- (1) "Act", the "Year 2000 Plan" created by sections 104.1003 to 104.1093;
- (2) "Actuary", an actuary who is experienced in retirement plan financing and who is either a member of the American Academy of Actuaries or an enrolled actuary under the Employee Retirement Income Security Act of 1974;
- (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds provided for in, or authorized by, sections 104.1003 to 104.1093;

- (4) "Annuity starting date" means the first day of the first month with respect to which an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;
- (5) "Beneficiary", any person or entity entitled to receive an annuity or other benefit pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;
- (6) "Board of trustees", "board", or "trustees", a governing body or bodies established for the year 2000 plan pursuant to sections 104.1003 to 104.1093;
- (7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become a member of the closed plan, but the closed plan shall continue to function for the benefit of persons covered by and remaining in the closed plan and their beneficiaries;
- (8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by the board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;
- (9) "Credited service", the total credited service to a member's credit as provided in sections 104.1003 to 104.1093;
- (10) "Department", any department or agency of the executive, legislative, or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system under this chapter as otherwise provided by law;
- (11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and the completion of at least five years of credited service;
- (12) "Effective date", July 1, 2000;
- (13) "Employee" shall be any person who is employed by a department and is paid a salary or wage by a department in a position normally requiring the performance of duties of not less than one thousand hours per year, provided:
- (a) The term "employee" shall not include any patient or inmate of any state, charitable, penal or correctional institution, or any person who is employed by a department in a position that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;
- (b) The term "employee" shall be modified as provided by other provisions of sections 104.1003 to 104.1093;
- (14) "Employer", a department;
- (15) "Executive director", the executive director employed by a board established under the provisions of sections 104.1003 to 104.1093;
- (16) "Final average pay", the average pay of a member for the thirty-six full consecutive months of service before termination of employment when the member's pay was greatest; or if the member was on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of pay the member would have received but for such leave of absence as reported and verified by the employing department; or if the member was employed for less than thirty-six months, the average monthly pay of a member during the period for which the member was employed;
- (17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to 104.1093;
- (18) "Investment return", "interest", rates as shall be determined and prescribed from time to time by a board;
- (19) "Member", a person who is included in the membership of the system, as set forth in section 104.1009;

(20) "Normal retirement eligibility", a member's attainment of at least sixty-two years of age and the completion of at least five or more years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty [or, in the case of a member of the highway patrol who shall be subject to the mandatory retirement provisions of section 104.080, the mandatory retirement age and completion of five years of credited service or, the attainment of at least fifty years of age with a total of years of age and years of credited service which is at least eighty];

(21) "Pay" shall include:

(a) All salary and wages payable to an employee for personal services performed for a department; but excluding:

a. Any amounts paid after an employee's employment is terminated, unless the payment is made as a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000;

b. Any amounts paid upon termination of employment for unused annual leave or unused sick leave; and

c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986 as amended and other applicable federal laws or regulations;

(b) All salary and wages which would have been payable to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) All salary and wages which would have been payable to an employee on a medical leave due to employee illness, as reported and verified by the employing department;

(d) For purposes of members of the general assembly, pay shall be the annual salary provided to each senator and representative pursuant to section 21.140, RSMo, plus any salary adjustment pursuant to section 21.140, RSMo;

(22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the person's employment record;

(23) "State", the state of Missouri;

(24) "System" or "retirement system", the Missouri state employees' retirement system or the transportation department and highway patrol retirement system, as the case may be;

(25) "Vested former member", a person entitled to receive a deferred annuity pursuant to section 104.1036;

(26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 385, Page 7, Section 56.816, Line 10 of said page, by inserting immediately after said line the following:

"104.374. 1. The normal annuity of a member, other than a member of the general assembly or a member who served in an elective state office, shall be an amount equal to one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of the member. Years of membership service and twelfths of a year are to be used in calculating any annuity. Absences for sickness and injury of less than twelve

months or for military service or training under subsection 2 of section 104.330 shall be counted as years of membership service.

2. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed member of the water patrol shall be increased by thirty-three and one-third percent of the benefit.

3. Employees who are fully vested at the age of sixty-five years and who continue to be employed by an agency covered under the system or members of the general assembly who serve in the general assembly after the age of sixty-five years shall have added to their normal annuity when they retire or die an amount equal to the total of all annual cost-of-living increases that the retired members of the system received during the years between when the employee or member of the general assembly reached sixty-five years of age and the year that the employee or member of the general assembly terminated employment or died. In no event shall the total increase in compensation granted under this subsection and subsection 2 of section 104.612 exceed sixty-five percent of the person's normal annuity calculated at the time of retirement or death.

4. In addition to the amount determined pursuant to subsection 1 of this section, the normal annuity of a uniformed conservation agent shall be increased by thirty-three and one-third percent of the benefit.

104.610. 1. Any person, who is receiving or hereafter may receive state retirement benefits from the Missouri state employees' retirement system other than a person with twelve or more years of service in statewide state elective office receiving benefits pursuant to the provisions of section 104.371, a legislators' retirement system, or the highways and transportation employees' and highway patrol retirement system, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the state retirement benefits the person would be receiving currently if the person had benefited from changes in the law effecting increases in the rate in the formula for calculating benefits in his or her respective retirement system, for his or her type of employment or for those persons having accrued thirty-five or more years of creditable service, changes in the law pertaining to the age and service requirements for a normal annuity in his or her respective retirement system, made subsequent to the date of his or her retirement; except that in calculating such benefits the meaning of "average compensation" shall be that ascribed to it by the law in effect on the date on which the benefits pursuant to this section are calculated.

2. In lieu of any other benefits pursuant to the provisions of this section, any member of the Missouri state employees' retirement system who has or may hereafter retire pursuant to the provisions of section 104.371, pertaining to those members who have held statewide state elective office for at least twelve years, may apply pursuant to this section to be employed as a special consultant and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received initially on his or her retirement, shall be equal to the state retirement benefits the person would be receiving if the person had benefited from changes in the law affecting increases in compensation for statewide state elective offices, pursuant to house substitute for senate bill no. 528, second regular session of the eighty-second general assembly, any other provisions of the law to the contrary notwithstanding.

3. This compensation shall be consolidated with any other retirement benefits payable to the person, and shall be funded as provided in section 104.436.

4. This compensation shall be treated as any other state retirement benefits payable by the Missouri state employees' retirement system or the highways and transportation employees' and highway patrol retirement system are treated and shall not be subject to execution, garnishment, attachment, writ of sequestration, or any other process or claim whatsoever, and shall be unassignable, anything to the contrary notwithstanding.

5. The employment provided for by this section shall in no way affect any person's eligibility for retirement benefits pursuant to this chapter, or in any way have the effect of reducing retirement benefits, anything to the contrary

notwithstanding.

6. In order to determine the total monthly state retirement compensation due each retiree who is eligible for the additional amount provided for in subsection 1 of this section, the following formula shall be used:

(1) The retiree's base monthly retirement compensation shall be determined by dividing the sum of the retiree's annual normal annuity as of the effective date of any increase in the rate in the formula for calculating benefits in his or her respective retirement system plus any annual increases granted such retiree as a result of his or her being a consultant, by twelve;

(2) The amount determined pursuant to subdivision (1) of this subsection shall be increased by an amount equal to the base monthly retirement compensation calculated pursuant to subdivision (1) of this subsection multiplied by the percentage increase in the rate in the formula;

(3) The sum obtained from completing the calculations contained in subdivisions (1) and (2) of this subsection shall be the retiree's new total monthly state retirement compensation. Any retiree who is eligible for the benefit provided in subsection 1 of this section whose benefit pursuant to subsection 1 of this section was not calculated in accordance with the procedure provided in this subsection shall have his or her total monthly retirement compensation for all months beginning on or after September 28, 1985, recalculated in accordance with this subsection.

7. The provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional or otherwise invalid, the remaining provisions of this section are valid unless the court finds that such valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

8. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be eligible to elect to receive a retirement annuity pursuant to the year 2000 plan as provided in this chapter.

9. Any person who is receiving or hereafter may receive retirement benefits pursuant to section 104.374, and would qualify for a benefit pursuant to subsection 4 of section 104.374 if such person were an active employee or beneficiary of an active employee, such person shall, upon application to the board of trustees of the system from which he or she is receiving retirement benefits, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging, and other state matters, for the remainder of the person's life, and upon request of the board, or other state agencies where such person was employed prior to retirement, give opinions, and be available to give opinions in writing, or orally, in response to such requests, as may be required, and for such services shall be compensated monthly, in an amount, which, when added to any monthly state retirement benefits received on his or her retirement, shall be equal to the retirement benefits the person would be receiving currently if the person had benefitted from changes in the law effecting increases pursuant to subsection 4 of section 104.374.

10. Effective August 28, 2000, any person otherwise eligible for survivor benefits due to the death of a member prior to retirement, who was married less than two years to the member at the time of the member's death, shall, upon application to the board, be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant pursuant to the provisions of this subsection, the person shall begin to receive a survivor benefit in a monthly amount equal to what the system would have paid the person had the person been eligible for such survivor benefit upon the death of the member. Such benefit shall commence the first of the month following receipt by the system of an application from such person, but not earlier than September 1, 2000. In no event shall any retroactive benefits be paid."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Foster, **HB 385**, with **SCS**, **SS** for **SCS** and **SA 8** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

The Conference Committee Report on **SCS** for **HCS** for **HB 6**, as amended, was again taken up.

Senator Russell moved that the above con-ference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	House	Jacob	Johnson
Kenney	Kinder	Klindt	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--27	
NAYS--Senators			
Gibbons	Gross	Klarich	Loudon
Yeckel--5			
Absent--Senator Quick--1			
Absent with leave--Senator Carter--1			

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 6

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	House	Jacob	Johnson
Kenney	Kinder	Klindt	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Stoll
Westfall	Wiggins--26		
NAYS--Senators			
Gibbons	Gross	Klarich	Loudon
Steelman	Yeckel--6		
Absent--Senator Quick--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 7**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 7

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 7, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 7.
- That the House recede from its position on House Committee Substitute for House Bill No. 7.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 7, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green

/s/ Larry Rohrbach /s/ Yvonne S. Wilson

/s/ Morris Westfall /s/ Bill Ransdall

/s/ Wayne Goode /s/ Charlie Shields

/s/ Harry Wiggins /s/ Peter Myers

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman

Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Schneider--1		
	Absent with leave--Senator Carter--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 7**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 7

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
	NAYS--Senators--None		
	Absent--Senators--None		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 8**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 8

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 8, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 8.
- That the House recede from its position on House Committee Substitute for House Bill No. 8.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 8, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green

/s/ Larry Rohrbach /s/ Yvonne S. Wilson

/s/ Morris Westfall /s/ Glenda Kelly

/s/ Wayne Goode /s/ Ken Legan

/s/ Harry Wiggins /s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 8**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 8

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Singleton--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HJR 11**, as amended.
Representatives: Gambaro, O'Toole, Ford, Hanaway and Levin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 9** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 9**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 10** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 10**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 11** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 11**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HB 421**, as amended. Representatives: Lograsso, Dempsey, Hoppe, Holt and Graham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 319**, entitled:

An Act to repeal sections 160.518, 167.640 and 167.645, RSMo 2000, and to enact in lieu thereof three new sections relating to assessment of students, with an emergency clause.

With House Amendments Nos. 1 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 319, Page 6, Section 167.645, Line 80, by inserting after all of said line the following:

"167.680. 1. There is hereby established within the department of elementary and secondary education the "After- School Retreat Reading and Assessment Grant Program". Beginning with the 2002-2003 school year, the program shall award grants to schools on a competitive grant basis. School districts may develop after-school reading and assessment programs and submit proposals to the department, pursuant to criteria established by the department for grant approval and on forms promulgated by the department for grant applications. Copies of the criteria established pursuant to this section shall be provided by the department to all school districts in this state. In awarding such grants, the department shall grant preference to school districts with a higher percentage of at-risk students, as the department may determine. In addition, the criteria for grant approval by the department may include, but shall not be limited to:

(1) The development of programs which are educational in nature, with emphasis in reading and student assessment thereof as opposed to day-care oriented programs; or

(2) Other criteria as the department may deem appropriate.

2. Subject to appropriation, beginning with the 2002-2003 school year, the department shall award grants to school districts for the development and implementation of after-school retreat programs consistent with this section. In the event that the appropriations or other moneys available for such grants are less than the amount necessary to fully fund all approved grants for the 2002-2003 school year or any subsequent school year, the moneys shall be distributed to approved schools on a pro rata basis.

3. The fund shall be administered by the department. The fund shall consist of moneys appropriated annually by the general assembly from general revenue to such fund, any moneys paid into the state treasury and required by law to be credited to such fund and any gifts, bequests or donations to such fund. The fund shall be kept separate and apart from all other moneys in the state treasury and shall be paid out by the state treasurer pursuant to chapter 33, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund at the end of the biennium shall not be transferred to the credit of the general revenue fund. All interest and moneys earned on the fund shall be credited to the fund.

4. No rule or portion of a rule promulgated pursuant to this section shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 319, Page 2, Section 160.518, Line 47, by adding after said line the following:

"6. The score on any assessment test developed pursuant to this section or this chapter of students receiving special education services pursuant to Section 162.670 to 162.999 RSMo shall not be counted."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Kinder referred **HS** for **HB 736**, with **SCS**, to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HBs 981** and **665**--Education.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 31**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 31, appearing on Page 842 of the Senate Journal for Tuesday, April 24, 2001, Column 1, Line 34 of said column, by striking "the monitor" and inserting in lieu thereof the following: "and monitor the".

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HCS** for **HB 780**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 776, regarding the Seventieth Birthday of Marvin E. (Marv) Proffer, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 777, regarding Matthew Alan "Matt" Paradise, Sunset Hills, which was adopted.

Senator Cauthorn offered Senate Resolution No. 778, regarding Michael Stoneburner, Shelbyville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Ron Swinfard, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Thursday, May 10, 2001.

SENATE CALENDAR

SEVENTIETH DAY-THURSDAY, MAY 10, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334 &

228-Kinder

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,
with SCS

SBs 508 & 468-Cauthorn
and Klindt, with SCS

HOUSE BILLS ON THIRD READING

1. HCS for HBs 205, 323
& 549, with SCS (Childers)

2. HB 662-Green (73) and
St. Onge, with SCS (Foster)

3. HS for HCS for HB 425-
O'Toole (DePasco)

4. HB 285-Riback Wilson,
et al (Jacob)

5. HB 120-O'Connor, with
SCS (Caskey)

6. HB 163-Berkowitz and
Wagner (Westfall)

7. HB 471-Jolly, et al,
with SCS (Wiggins)

8. HB 626-Hosmer, with
SCS (Bentley)

9. HS for HCS for HB 107-

Clayton, with SCS

(Klarich) (In Budget Control)

10. HCS for HB 50, with

SCS (Stoll)

(In Budget Control)

11. HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

12. HB 185-Legan, et al,

with SCS (Gross)

13. HCS for HB 738

(Klarich)

14. HCS for HBs 441, 94 &

244 (Johnson)

15. HB 453-Ransdall, et al,

with SCS (Steelman)

16. HB 501-Bowman, et al,

with SCS (Steelman)

(In Budget Control)

17. HCS for HB 581, with

SCS (Klindt)

18. HB 133-Gambaro, with

SCS (Yeckel)

19. HCS for HB 241, with

SCS (Caskey)

20. HS for HCS for HBs

328 & 88-Harlan,

with SCS (Sims)

21. HB 70-Koller, with

SCA 1 (Staples)

22. HB 678-Seigfreid,

with SCS (Mathewson)

23. HS for HCS for HB 824-

Abel (Mathewson)

(In Budget Control)

24. HS for HCS for HBs

924, 714, 685, 756,

734 & 518-Wiggins,

with SCS (Mathewson)

(In Budget Control)

25. HB 769-Harlan (House)

26. HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

27. HB 621-Gratz and

Vogel, with SCA 1

(Rohrbach)

28. HB 262-Linton, et al,

with SCAs 1 & 2 (Klarich)

29. HS for HCS for HB 327-

Rizzo, with SCS

(In Budget Control)

30. HB 219-Townley, et al,

with SCS (Cauthorn)

31. HS for HB 736-Liese,

with SCS

(In Budget Control)

32. HCS for HB 780, with
SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,

with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 586-Klindt, with SCS &

SA 2 (pending)

SB 593-Klindt, with SCS

SJR 11-Yeckel

HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS &

SA 9 (pending) (Kenney)

HS for HB 381-Hoppe, with

SCS, SS for SCS &

SA 12 (pending)

(Kenney)

HB 385-Franklin, with SCS,

SS for SCS & SA 8

(pending) (Foster)

HB 444-Kreider, et al,

with SCA 1 (Wiggins)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HS for HCS for HB 762-

Barry, with SCS, SS

for SCS, SA 8 & SSA 1

for SA 8 (pending)

(Sims and Stoll)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with SS,

SA 1 & point of order

(pending) (Yeckel) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al

(Stoll)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 86-Rohrbach, with HCS,

as amended

SB 274-Caskey, with HCS

SB 304-Klarich, with HCS

SB 307-Jacob, with HCS

SB 319-Carter, with HCS,

as amended

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SCS for SB 151-Childers,

with HCS

SS for SB 193-Rohrbach,

with HCS, as amended

SS for SCS for SB 267-

Klarich, with HS for

HCS, as amended

SS for SCS for SBs 323 &

230-Childers, with HS,

as amended

SB 462-Westfall, with HCS,

as amended

SB 610-Westfall, with HCS

HCS for HB 9, with SCS

(Russell) (House adopted CCR

and passed CCS)

HCS for HB 10, with SCS,

as amended (Russell)

(House adopted CCR

and passed CCS)

HCS for HB 11, with SCS,

as amended (Russell)

(House adopted CCR

and passed CCS)

HCS for HB 12, with SCS

(Russell)

HCS for HB 13, with SCS

(Russell)

HCS for HB 14, with SCS

(Russell)

HB 16-Green, with SCS

(Russell)

HCS for HB 18, with SCS,

as amended (Russell)

HCS for HB 19, with SCS

(Russell)

HCS for HBs 144 & 46,

with SS for SCS, as

amended (Kenney)

HCS for HBs 302 & 38,

with SCS, as amended

(Westfall)

HS for HB 421-Hoppe, with

SS for SCS, as amended

(Kinder)

HB 491-George, with SCS

(Goode)

HCS for HB 567, with SS

for SCS, as amended

(Klarich)

HS for HJR 11-Gambaro,

with SA 1 (Goode)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3

(pending)

Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelmann, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

SCR 31-Rohrbach, with

SCA 1

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY--THURSDAY, MAY 10, 2001

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

Evangelist Bruce Wilkinson tells us: "Although most Americans believe in prayer, they save it for emergencies," but should pray like Jabez in a daily mantra for God's wealth of Spirit, to ask God "to bless me indeed." (And) "God granted him what he requested."

Almighty God, King of the Universe, "Oh, that You would bless us indeed and enlarge our territory, that Your hand would be with us, and that You would keep us from evil, that we may not cause pain." Amen (paraphrased prayer of Jabez, I Chronicles 4:10)

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV, KMIZ-TV and WGEM, Quincy, Illinois, were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1
The Lieutenant Governor was present.

President Maxwell assumed the Chair.

RESOLUTIONS

Senators Wiggins, DePasco and Quick, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 779

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the tragic death of an outstanding young member of the Kansas City Police Department, Officer Craig Schultz; and

WHEREAS, Officer Schultz, an eleven year veteran of strong law enforcement and outstanding service to the people of Kansas City, died yesterday on his way to enforce the laws in a motorcycle accident; and

WHEREAS, Officer Schultz joined the Kansas City Police Department in 1990 and worked in several divisions of the Department and then was transferred to the enforcement unit:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations for a moment of silent prayer to salute the memory of an outstanding law enforcement officer, Officer Craig Schultz, express their appreciation for his lifetime of service to the Kansas City community and to the Police Department, and express our deepest sympathy to his wife and family and to the members of the Kansas City Police Department; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife and family and the Kansas City Police Department.

Senator Goode offered Senate Resolution No. 780, regarding Dr. Gary K. Wright, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 31**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCR 31**, as amended, was adopted by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland	Jacob	Schneider
Scott	Staples--6		
Absent with leave--Senator Carter--1			

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 9

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do

recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
- That the House recede from its position on House Committee Substitute for House Bill No. 9.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Yvonne S. Wilson
/s/ Glenda Kelly
/s/ Ken Legan
/s/ Larry Crawford

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Mathewson--2		
	Absent with leave--Senator Carter--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, the Board of Public Buildings, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, as amended.
- That the House recede from its position on House Committee Substitute for House Bill No. 10.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
Yvonne S. Wilson
Vicky Wilson
/s/ Charlie Shields
/s/ Pat Naeger

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senator Carter--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 10

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Jacob--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 11

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended.
- That the House recede from its position on House Committee Substitute for House Bill No. 11.
- That the attached Conference Committee Substitute for Senate Committee Substitute, for House Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Charles Q. Troupe
/s/ Marsha Campbell
/s/ Pat Kelley
/s/ Pat A. Naeger

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Mathewson--1

Absent with leave--Senator Carter--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to concur in **HCS** for **SB 304** and request the House to recede from its position and failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 151**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 151

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 151; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151 be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Doyle Childers

FOR THE HOUSE:

/s/ Sam Gaskill, 131

/s/ Roseann Bentley
/s/ Chuck Gross
/s/ Stephen Stoll
/s/ Sidney Johnson

/s/ Blaine Luetkemeyer 115
/s/ Dan Ward
/s/ Bill Luetkenhaus
/s/ Chris Liese

Senator Childers moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach-- 1

Absent--Senator Scott-- 1

Absent with leave--Senator Carter-- 1

On motion of Senator Childers, **CCS** for **HCS** for **SCS** for **SB 151**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 151

An Act to amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Rohrbach-- 1

Absent--Senator Scott-- 1

Absent with leave--Senator Carter-- 1

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 205, 323** and **549**, with **SCS**, entitled:

An Act to repeal sections 252.043, 254.020, 254.040 and 270.170, RSMo 2000, relating to the conservation commission, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Childers.

SCS for **HCS** for **HBs 205, 323** and **549**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 205, 323 and 549

An Act to repeal sections 135.305, 252.040, 252.043, 254.020, 254.040 and 270.170, RSMo 2000, relating to conservation, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Childers moved that **SCS** for **HCS** for **HBs 205, 323** and **549** be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Childers moved that the vote by which **SCS** for **HCS** for **HBs 205, 323** and **549** was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Klarich
Klindt	Mathewson	Rohrbach	Russell
Schneider	Scott	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--24

NAYS--Senators

Bentley	Cauthorn	Johnson	Kenney
Kinder	Loudon	Sims--7	

Absent--Senators

Quick	Singleton--2
	Absent with leave--Senator Carter--1

SCS for **HCS** for **HBs 205, 323** and **549** was again taken up.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 205, 323 and 549, Page 5,

Section 254.040, Line 19, by inserting after all of said line the following:

- "254.070. 1. The commission may classify as forest croplands any lands conveyed to the state for use of the commission. The commission shall pay to the county wherein the state-owned and classified lands are situated a certain sum from the conservation commission fund as a grant in lieu of taxes thereon, which sum shall be set by the commission at not less than [fifty cents] **one dollar** per acre per year.
2. The grants in lieu of taxes so received by the respective counties shall be placed in the general revenue fund of each such county.
3. The commission shall annually certify to the commissioner of administration and the state auditor the acreage of such lands and the amount payable to each county under the provisions hereof and the treasurer is authorized to pay, and, after appropriations are made as herein provided, such amounts shall be paid to such counties on or before the first day of January following the certification. This section shall not be retroactive."; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted, which motion failed.

Senator Gross assumed the Chair.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 205, 323 and 549, Page 6, Section 270.400, Line 15, by inserting after said line the following:

"Section 1. Notwithstanding any other law to the contrary, no director of the Missouri Department of Conservation may serve as director for a period longer than four years."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 2** was withdrawn.

Senator Childers moved that **SCS** for **HCS** for **HBs 205, 323** and **549** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **HCS** for **HBs 205, 323** and **549** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Goode--1			
Absent--Senators			
Bland	Scott	Singleton--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Foster moved that motion lay on the table, which motion prevailed.

HB 662, with **SCS**, introduced by Representatives Green (73) and St. Onge, entitled:

An Act to amend chapter 436, RSMo, by adding thereto nine new sections relating to retainage in private building contracts.

Was taken up by Senator Foster.

SCS for **HB 662**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 662

An Act to amend chapter 436, RSMo, by adding thereto nine new sections relating to retainage in private building contracts.

Was taken up.

Senator Foster moved that **SCS** for **HB 662** be adopted.

President Maxwell assumed the Chair.

Senator Gibbons offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 662, Page 1, Section 436.300, Line 9, by adding after the period (.) on said line the following: "**The word "owner" as used in sections 436.300 to 436.324 shall include public entities.**".

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 662, Pages 1-2, Section 436.303, Lines 9-11, by deleting the following:

"An owner may only withhold retainage when the owner pays the contractor within thirty days after receiving an invoice from the contractor.".

Senator Yeckel moved that the above amendment be adopted.

At the request of Senator Foster, **HB 662**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 780**, with **SCS**, to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1000**, entitled:

An Act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 242**, as amended, and has taken up and passed **SCS** for **HB 242**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 202** and has taken up and passed **SCS** for **HB 202**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 361** and has taken up and passed **SCS** for **HB 361**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 473** and has taken up and passed **SCS** for **HB 473**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 904** and has taken up and passed **SCS** for **HB 904**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 33**.

HOUSE CONCURRENT RESOLUTION NO. 33

WHEREAS, Agramarke Quality Grains, Inc., a Missouri cooperative association, will provide economic development for the St. Joseph area; and

WHEREAS, the United States Department of Agriculture emphasizes the importance of guiding agriculture toward value-added opportunities; and

WHEREAS, agricultural producers will own 100% of the facility, provide over 110 jobs in the area, and realize between three and five million

dollars per year in profits and premiums; and

WHEREAS, the facility purchase price is far below the price of new construction and will provide a new purpose for the Quaker Oats facility which has been in existence since 1926; and

WHEREAS, the United States Department of Agriculture provides many beneficial programs which will be crucial to the success of the project; and

WHEREAS, without the assistance of the United States Department of Agriculture programs, this young company may never develop; and

WHEREAS, the United States Department of Agriculture maintains a community population requirement of 50,000 for use of rural development economic incentive programs; and

WHEREAS, the city of St. Joseph remains not far above the threshold with a population of approximately 75,000:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Department of Agriculture to grant a waiver for Agramarke Quality Grains, Inc., for development in St. Joseph, Missouri, to allow Agramarke to qualify for rural development economic incentive programs; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, Secretary Ann M. Veneman of the United States Department of Agriculture and each member of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 491** and has taken up and passed **CCS** for **SCS** for **HB 491**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 13** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 13**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SCS** for **HCS** for **HB 14** be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 16** and has taken up and passed **CCS** for **SCS** for **HB 16**.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate conferees on **SCS** for **HCS** for **HB 14** be allowed to exceed the differences, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Sims offered the following concurrent resolution:

WHEREAS, May is Older Americans Month and persons 65 years and older represent 1 in every 8 Americans; and

WHEREAS, the elderly population continues to grow due to increased life expectancies, but with an increased risk of chronic health conditions that may threaten an older person's independence; and

WHEREAS, the number of households headed by a person over 65 is expected to rise by approximately 300,000 per year in the next decade and the need for adequate housing alternatives will increase; and

WHEREAS, the State of Missouri should assist its elderly citizens in navigating the constantly changing housing marketplace and finding appropriate housing in private homes or apartments, assisted living, residential care or skilled nursing care if necessary:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a Joint Legislative Interim Committee on Housing Alternatives for the Elderly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee shall investigate the broad spectrum of housing options for Missouri citizens over 65 years of age and make any recommendations it deems appropriate concerning this issue; and

BE IT FURTHER RESOLVED that said committee prepare a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that House Research and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

On motion of Senator Kenney, the Senate recessed for an hour and a half until 1:40 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 17**, as amended, and has taken up and passed **SCS** for **HB 17**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 19** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 19**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 18** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 18**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 23**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **SCR 27**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 371**, entitled:

An Act to repeal sections 104.010, 104.170, 104.312, 104.330, 104.339, 104.345, 104.372, 104.374, 104.380, 104.395, 104.401, 104.420, 104.450, 104.515, 104.518, 104.530, 104.600, 104.601, 104.602, 104.1003, 104.1021, 104.1024, 104.1027, 104.1030, 104.1039, 104.1051, 104.1072, 104.1078, 104.1093 and 476.524, RSMo 2000, relating to certain public retirement systems administered pursuant to chapter 104, RSMo, and to enact in lieu thereof thirty-five new sections relating to the same subject.

With House Amendments Nos. 2, 5, 6 and House Perfecting Amendment No. 1.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 371, Page 13, Section 104.170, Line 20 of said page, by inserting after all of said line the following:

"104.175. The state highways and transportation commission is authorized, when requested by the highways and transportation employees' and highway patrol retirement system, to provide liability insurance covering the operation of all vehicles owned or leased or used by the system. The commission is also authorized, when requested by the system, to provide workers' compensation coverage for the executive director and employees of the system. In the event the commission provides such insurance coverage, the system shall reimburse the commission for all costs of such coverage."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 371, Page 87, Section 476.524, Line 8 of said page, by inserting after said line the following:

"Section 1. 1. Any person who has been appointed or employed as a legal advisor pursuant to section 286.010, RSMo, prior to August 28, 2001, who is receiving or thereafter is qualified to receive retirement benefits pursuant to section 104.374, RSMo, shall upon application be made, constituted, appointed and employed by the board of trustees of the Missouri state employees' retirement system as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person's life. Upon request of the board or the administrative hearing commission, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation for such services and in lieu of receiving benefits pursuant to section 104.374, RSMo, each such special consultant shall be eligible for all benefits payable pursuant to sections 287.812 to 287.856, RSMo, effective upon the later of August 28, 1999, or the date retirement benefits become payable. In no event shall retroactive benefits be paid.

2. The term "legal advisor" as defined in subdivision (6) of section 287.812, RSMo, shall be deemed to include any attorney or legal counsel appointed or employed pursuant to section 286.010, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 371, Page 87, Section 476.524, Line 8, by inserting after all of said line the following:

"Section 1. For the purposes of public retirement systems administered pursuant to chapter 104, RSMo, any reference to the term "spouse" only recognizes marriage between a man and a woman."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 0371, Section 1 as adopted by House Amendment 5, by deleting both occurrences of the following: "**286.010**" and inserting in lieu thereof the following: "**286.070**".

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

Senator Rohrbach, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SS for SB 193**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 193

Mr. President: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Substitute for Senate Bill No. 193, with House Amendments Nos. 1 and 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 193, with House Amendments Nos. 1 and 2;
2. That the House recede from its position on House Amendments Nos. 1 and 2 to House Committee Substitute for Senate Substitute for Senate Bill No. 193;
3. That the attached Conference Committee Amendment No. 1 be adopted;
4. That House Committee Substitute for Senate Substitute for Senate Bill No. 193, with Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Larry Rohrbach	/s/ Steve Henderson
/s/ David G. Klindt	/s/ Chuck Surface
/s/ Bill Kenney	/s/ Dan Ward
/s/ John E. Scott	/s/ Bill Luetkenhaus
/s/ Ken Jacob	/s/ Chris Liese

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 193, Page 1, In the Title, Line 6, by striking the word "thirty-one" and inserting in lieu thereof the word "thirty"; and

Further amend said bill, Page 1, Section A, Line 5, by striking the word "thirty-one" and inserting in lieu thereof the word "thirty"; and further amend line 7, by striking the following: ", 375.023"; and

Further amend said bill, Pages 1-2, Section 148.400, Lines 1-10, by striking all of said lines and inserting in lieu thereof the following:

"148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or interinsurance exchange to the extent attributable to the principal business as such attorney in fact, under any law of this state. **Unless rejected by the general assembly by April 1, 2003, for all tax years beginning on or after January 1, 2003, a deduction for examination fees which exceeds an insurance company's or association's premium tax liability for the same tax year shall not be refundable, but may be carried forward to any subsequent tax year, not to exceed five years, until the full deduction is claimed; except that, notwithstanding the provisions of section 148.380, if any deduction is claimed through the carryforward provisions of this section, it shall be credited wholly against the general revenue fund and shall not cause a reduction in revenue to the county foreign insurance fund.**"; and

Further amend said bill, Page 6, Section 375.014, Line 53, by inserting at the end of said line the following: "**or**"; and further amend line 55, by striking the following: "**; or**" and inserting in lieu thereof the following: "."; and further amend lines 56-59, by striking all of said lines; and

Further amend said bill, Page 19, Section 375.023, Line 1, by striking the following: "**375.023. 1.**" and inserting in lieu thereof the following: "**5.**"; and further amend pages 20 and 21, by renumbering the subsections and amending the intersectional references accordingly; and

Further amend said bill, Page 27, Section 375.076, Line 10, by inserting immediately after the word "**person**" the word "**for**"; and

Further amend said bill, Page 36, Section B, Lines 5-6, by striking the following: "sections 375.015 and 375.023" and inserting in lieu thereof the following: "section 375.015".

Senator Rohrbach moved that the above conference committee report be adopted.

At the request of Senator Rohrbach, the motion to adopt the conference committee report was withdrawn.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 13**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 13, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do

recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
- That the House recede from its position on House Committee Substitute for House Bill No. 13.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Dennis Bonner
/s/ Louis Ford
/s/ Ken Legan
/s/ Chuck Purgason

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
Bentley	Bland	Scott	Singleton
Staples--5			
	Absent with leave--Senator Carter--1		

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob

Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley Staples--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 16**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 16

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Bill No. 16, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Bill No. 16.
- That the House recede from its position on House Bill No. 16.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 16, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell

/s/ Larry Rohrbach

/s/ Morris Westfall

/s/ Wayne Goode

/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green

/s/ Chuck Graham

/s/ Louis Ford

/s/ Charlie Shields

/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Mathewson	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Loudon--1

Absent--Senators

Bentley	Quick	Staples--3
	Absent with leave--Senator Carter--1	

On motion of Senator Russell, **CCS** for **SCS** for **HB 16**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 16

An Act to appropriate money for capital improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2001 and ending June 30, 2003.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick	Staples--2
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 18**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 18

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 18, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 18, as amended.
- That the House recede from its position on House Committee Substitute for House Bill No. 18.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 18, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Chuck Graham
/s/ Louis Ford
/s/ Ken Legan
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Quick Staples--2

Absent with leave--Senator Carter--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 18**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 18

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Schneider	Singleton	Staples--3	
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 19**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 19, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 19.
- That the House recede from its position on House Committee Substitute for House Bill No. 19.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Chuck Graham
/s/ Louis Ford
/s/ Charlie Shields
/s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 19**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 19

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland Staples--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **SCR 34** and **HCR 33** to the Committee on Rules, Joint Rules, Resolutions and

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the Conference Committee appointed to act with a like committee from the House on **SCS** for **HB 491**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 491

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 491, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 491;
- 2. That the House recede from its position on House Bill No. 491;
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 491 be adopted.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Michael R. Gibbons
/s/ John Schneider
/s/ Betty Sims
/s/ Anita Yeckel

FOR THE HOUSE:

/s/ Thomas E. George
/s/ Jim Foley
/s/ Esther Haywood
/s/ Elaine Luetkemeyer
/s/ Rod Jetton

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Staples--1			
Absent with leave--Senator Carter--1			

On motion of Senator Goode, **CCS** for **SCS** for **HB 491**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 491

An Act to repeal sections 77.370 and 77.450, RSMo 2000, relating to certain municipalities, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Gibbons assumed the Chair.

PRIVILEGED MOTIONS

Senator Scott moved that **SB 371**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 371**, as amended, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 371

An Act to repeal sections 104.010, 104.170, 104.312, 104.330, 104.339, 104.345, 104.372, 104.374, 104.380, 104.395, 104.401, 104.420, 104.450, 104.515, 104.518, 104.530, 104.600, 104.601, 104.602, 104.1003, 104.1021, 104.1024, 104.1027, 104.1030, 104.1039, 104.1051, 104.1072, 104.1078, 104.1093 and 476.524, RSMo 2000, relating to certain public retirement systems administered pursuant to chapter 104, RSMo, and to enact in lieu thereof thirty-five new sections relating to the same subject.

Was taken up.

Senator Scott moved that **HS** for **HCS** for **SB 371**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Schneider	Staples--2		
	Absent with leave--Senator Carter--1		

On motion of Senator Scott, **HS** for **HCS** for **SB 371**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Schneider	Staples--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Bland moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Maxwell assumed the Chair.

Senator Bland moved that the Senate refuse to concur in **HCS** for **SB 319**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 425**, entitled:

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for a certain section.

Was taken up by Senator DePasco.

Senator DePasco offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Line 23 of said page, by inserting after all of said line the following:

"5. An annual audit or review of the notification center shall be performed by a certified public accountant and a report of the findings submitted to the speaker of the house of representatives and the president pro tem of the senate."

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Russell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Lines 4 to 12, by deleting all of said lines and inserting in lieu thereof the following:

"2. A notification center shall file with the recorder of deeds, in every county wherein"; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Russell moved that the above amendment be adopted.

Senator Cauthorn offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Lines 3-11 of said page, by striking all of the boldfaced language from said lines; and

Further amend said bill, section and page, line 12, by striking the following: "3."; and

Further amend said bill, page 4, section 319.023, line 11 of said page, by striking all of said line; and

Further amend said bill, page 6, section 319.025, line 7 of said page, by striking the opening bracket "["; and further amend line 8 of said page, by striking the closing bracket "]" and inserting in lieu thereof the following: **"or the current list of"**; and further amend lines 8-9 of said page, by striking the following: "Prior to January 1, 2003,"; and further amend line 12, by striking the following: "Beginning"; and further amend lines 13-14 of said page, by striking all of boldfaced language from said lines; and

Further amend said bill and section, page 6, line 21 of said page, by striking all of the boldfaced language from said lines; and

Further amend said bill, page 6, section 319.026, line 3 of said page, by striking all of the boldfaced language from said line; and

Further amend said bill and section, page 7, line 38 of said page, by striking all of the boldfaced language from said lines; and

Further amend said bill and section, page 8, lines 51-53 of said page, by striking the following: "prior to the January 1, 2003, effective date for mandatory participation pursuant to section 319.022,"; and

Further amend said bill, page 12, section 319.041, lines 1-4 of said page, by striking all of said lines and inserting in lieu thereof the following:

"319.041. Notwithstanding any provision of law to the contrary, nothing in this"; and

Further amend said bill, page 12, section 319.045, line 4 of said page, by striking the following: **"prior to January";** and

Further amend said bill, page and section, lines 5-6, by striking all of the boldfaced language from said lines.

Senator Cauthorn moved that the above substitute amendment be adopted.

Senator DePasco requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Cauthorn, Gibbons, Mathewson and Sims.

SSA 1 for **SA 2** failed of adoption by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Foster
Jacob	Johnson	Klindt	Mathewson
Rohrbach	Russell	Singleton	Staples
Steelman	Westfall--14		
NAYS--Senators			
Bentley	Bland	DePasco	Dougherty
Gibbons	Goode	Gross	House
Kenney	Klarich	Loudon	Quick
Schneider	Scott	Sims	Stoll
Wiggins	Yeckel--18		
Absent--Senator Kinder--1			
Absent with leave--Senator Carter--1			

SA 2 was again taken up.

Senator Russell moved that the above amendment be adopted.

Senator Kenney requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Cauthorn, Stoll, Wiggins and Gibbons.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Foster
Johnson	Klindt	Mathewson	Rohrbach
Russell	Singleton	Staples	Steelman
Westfall--13			
NAYS--Senators			
Bentley	Bland	DePasco	Dougherty
Gibbons	Goode	Gross	House
Jacob	Kenney	Loudon	Quick
Schneider	Scott	Sims	Stoll
Wiggins	Yeckel--18		

Absent--Senators
Kinder Klarich--2
Absent with leave--Senator Carter--1

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 13, Section 319.050, Line 1, by inserting immediately after the numeral "319.050" the numeral "**1.**"; and further amend line 15, by inserting after all of said line the following:

"2. The provisions of sections 319.010 to 319.050 shall not apply to rural electric cooperatives organized pursuant to chapter 394, RSMo, nor to any small local exchange telecommunications company, as defined pursuant to section 386.020, RSMo."

Senator Caskey moved that the above amendment be adopted.

Senator Stoll requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators DePasco, Gibbons, Gross and Kenney.

SA 3 failed of adoption by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	Foster
House	Johnson	Klindt	Mathewson
Rohrbach	Russell	Singleton	Staples
Steelman	Westfall--14		

NAYS--Senators

Bentley	Bland	DePasco	Dougherty
Gibbons	Goode	Gross	Jacob
Kenney	Klarich	Loudon	Quick
Schneider	Scott	Sims	Stoll
Wiggins	Yeckel--18		

Absent--Senator Kinder--1

Absent with leave--Senator Carter--1

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 8, Section 319.026, Line 72 of said page, by inserting after all of said line the following:

"319.028. 1. On or after January 1, 2003, an owner or operator of underground facilities, who has become a participant in the notification center as required in section 319.022, will maintain participation in the notification center, unless it is determined that the inaccuracy rate of the notification center reaches 15%. The accuracy rate shall be determined by the number of notifications of an excavation, where the owner or operator has no underground facilities at the excavation site, as described in the excavators notification, divided by the total number of notifications to an owner or operator of underground facilities during any 12 month period.

2. Once the notification center has an inaccuracy rate of 15% or higher for any owner or operator of underground facilities, then any such owner or operator may withdraw from participation in the notification center by providing written notice to the notification center of its withdrawal. The owner or operator shall then

file with the Recorder of Deeds for each County it has underground facilities, a statement that it has underground facilities and a name and phone number of a contract person that excavators shall contract and notify of its intent to excavate. The owner or operator shall also publish, at least quarterly, in a newspaper or other publication of general circulation in counties that have underground facilities a statement that the owner or operator has underground facilities and who the excavator shall contact regarding its intent to excavate.

3. After January 1, 2003, in the event that an owner or operator withdraws from the notification center no party may use in an any legal proceeding the fact that an owner or operator has withdrawn from the notification center as evidence to establish: negligence, recklessness, lack of adherence to industry standards, or any other manner which would suggest that the owner or operator failed to comply with any standard of care."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 63 of said page, by striking the following: "water,"; and further amend Line 66, of said page, by inserting after "substances," the following: "**excluding potable water**,"; and further amend Line 71, of said page, by striking the following: "water service lines, water system,".

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 13, Section 319.050, Line 15, by inserting after all of said line the following:

"Section 1. The state shall appropriate and disburse to its political subdivisions payment for any and all activities imposed by sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.036, 319.037, 319.041, 319.045 and 319.050, RSMo, pursuant to article X, section 21 of the Missouri Constitution."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Kenney requested a roll call vote be taken on the adoption of **SA 6** and was joined in his request by Senators Cauthorn, DePasco, Rohrbach and Wiggins.

SA 6 failed of adoption by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	Foster
Johnson	Klindt	Mathewson	Rohrbach
Russell	Staples	Westfall--11	
NAYS--Senators			
Bentley	Bland	DePasco	Dougherty
Gibbons	Goode	Gross	House
Kenney	Kinder	Klarich	Loudon
Quick	Schneider	Scott	Sims
Steelman	Stoll	Wiggins	Yeckel--20

Absent--Senators

Singleton--2

Absent with leave--Senator Carter--1

Jacob

Senator Rohrbach offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 72, by adding after the word "lines" the following: "owned by a municipality or".

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator DePasco offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 70 of said page, by inserting after the word "that" the following: "**where**"; and further amend line 72, of said page, by inserting after the closing bracket "]" the following: "**are**"; and further amend line 73, of said page, by striking "which is" and insert in lieu thereof the following: "**and such lines or facilities are**" and further amend line 73 of said page by inserting at the end of said line the following: ", **such lines or facilities**"; and

Further amend said bill, page 10, section 319.030, line 51, of said page, by striking "the methods indicated above," and insert in lieu thereof the following: "**that a person is available at the telephone number given in the notice between 8:00 a.m. and 5:00 p.m. on each working day or that the excavator's telephone is equipped with a recording device or that a facsimile number is provided for receiving facsimile messages, then**"; and

Further amend said bill, page 11, section 319.036, line 5, of said page, by striking "[of record]"; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Lines 72-73, by striking the words "located on the real property to which such lines provide service which is"; and further amend line 73, by inserting at the end of said line the following: "**receiving service**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 1, Section A, Line 4, by inserting after all of said line the following:

"91.210. **1.** All the provisions of sections 91.010 to 91.300, 91.450 to 91.540, 91.600 and 91.610, which concern the purchase of waterworks, shall apply, so far as the same are applicable, to the erection or purchase of electric light plants, gas plants, ice plants or other lighting plants.

2. Any city, town or village in a county of the third classification not having a township form of government with a population of no less than twelve thousand five hundred and no greater than thirteen thousand five hundred inhabitants; or any city, town or village in a county of the third classification not having a township form of government with a population of no less than twenty-one thousand and no greater than twenty-one thousand nine hundred inhabitants; or any city, town or village in a county of the first classification not having a charter form of government with a population no less than two hundred thousand inhabitants, the provisions of sections 91.010 to 91.300, 91.450 to 91.540, 91.600 and 91.610 which concern the purchase, acquisition, condemnation or operation of waterworks, shall apply, so far as the same are applicable, to the erection, acquisition, condemnation, operation or purchase of electric light plants, gas plants, ice plants or other lighting plants.

3. For purposes of this section, "gas plant" includes all real estate, fixtures and personal property owned, operated, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power.

4. Nothing in this section shall be construed to give any city any condemnation authority otherwise prohibited by section 71.525, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 10** is out of order as it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Goode offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 78 of said page, by inserting after "land;" the following: **"and provided however, underground facility as used in sections 319.015 to 319.050, shall not include property for use in connection with the storage or conveyance of water by any water company for service to customers in a county with a population in excess of one million persons;"**.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Klarich assumed the Chair.

Senator Caskey offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Line 23, by inserting after all of said line the following:

"5. Any fees levied by the notification center shall be just and reasonable and shall be established pursuant to tariffs filed with and approved by the public service commission pursuant to chapter 386, RSMo, except as otherwise provided pursuant to this section."

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, DePasco, Singleton and Stoll.

SA 12 failed of adoption by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
Foster	House	Jacob	Johnson
Klindt	Mathewson	Rohrbach	Russell
Singleton	Steelman	Westfall--15	
	NAYS--Senators		
Bentley	DePasco	Dougherty	Gibbons
Goode	Gross	Kenney	Kinder
Klarich	Loudon	Quick	Schneider
Scott	Sims	Staples	Stoll
Wiggins	Yeckel--18		
	Absent--Senators--None		
	Absent with leave--Senator Carter--1		

Senator Caskey offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 13, Section 319.050, Line 15, by inserting immediately after said line the following:

"Section 1. Notwithstanding any other provisions of law to the contrary, before any grave for burial of human remains may be excavated, the grave excavator must contact the notification center as defined in Section 319.015 (4)."

Senator Caskey moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Caskey, **SA 13** was withdrawn.

Senator Caskey offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 12, Section 319.041, Line 1, by inserting a "[" before **"No"** on said line and further amend said section, line 4, by inserting a "]" after **"319.026."**; and

Further amend said section and line, by inserting before **"Notwithstanding"** the following: **"Nothing in the foregoing shall relieve an excavator from the obligation to excavate in a safe and prudent manner, nor shall it absolve an excavator from liability for damage to legally installed facilities."**

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Foster offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Lines 4-11, by striking said lines and inserting in lieu thereof the following:

"2. [A] All owners and operators of underground facilities which are located in a county of the first classification or second classification within the state who are not members of a notification center on August 28, 2001, shall become participants in the notification center prior to January 1, 2003. Any person who installs or otherwise becomes an owner or operator of an underground facility which is located within a county of the first classification or second classification on or after January 1, 2003, shall become a participant in the notification center within thirty days of acquiring or operating such underground facility. Beginning January 1, 2003, all owners and operators of underground facilities which are located in a county of the first classification or second classification within the state shall maintain participation in the notification center.

3. All owners and operators of underground facilities which are located in a county of the third classification or fourth classification within the state who are not members of a notification center on August 28, 2001, shall become participants in the notification center prior to January 1, 2005. Any person who installs or otherwise becomes an owner or operator of an underground facility which is located within a county of the third classification or fourth classification on or after January 1, 2005, shall become a participant in the notification center within thirty days of acquiring or operating such underground facility. Beginning January 1, 2005, all owners and operators of underground facilities which are located in a county of the third classification or fourth classification within the state shall maintain participation in the notification center."

Senator Foster moved that the above amendment be adopted, which motion prevailed.

On motion of Senator DePasco, **HS** for **HCS** for **HB 425**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Kenney	Kinder
Klarich	Loudon	Quick	Schneider
Scott	Sims	Stoll	Wiggins
Yeckel--21			
NAYS--Senators			
Caskey	Cauthorn	Jacob	Johnson
Klindt	Mathewson	Rohrbach	Russell
Singleton	Staples	Steelman	Westfall--12
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 3**, as amended.

With House Amendment No. 1.

Amend Senate Concurrent Resolution No. 3, by amending the clause that begins:

"Now therefore be it resolved" by adding after the second occurrence of the phrase "Lewis and Clark Expedition" the following:

", to include material on Sacajawea and York,".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Conference Committee on **HS** for **HJR 11** was dissolved and that the House has concurred in **SA 1** to **HS** for **HJR 11** and has taken up and passed **HS** for **HJR 11**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 18**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 18, Page 3, Line 12, by inserting immediately after the word "**relevant**;" the following:

"with such studies to specifically include an analysis of (i) the existing and projected demands in this state for electric power and energy over the next ten years, and the basis for determining the projected demand; (ii) the adequacy and reliability of available and planned electric generation to serve the needs of customers in this state; (iii) permitting retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues; (iv) the adequacy and availability of available and planned transmission facilities used to transfer electricity into and within the state; and (v) incentives that would encourage the ongoing investment needed to ensure adequate generation and transmission capacity within the state;"; and

Further amend said resolution, Page 3, Line 14, by inserting immediately after the word "**report**" the following:

"which must at a minimum include a detailed summary of the committee's analysis of the adequacy and reliability of available and planned electric generation and transmission capacity to serve the projected needs of customers in this state currently and over the next ten years and incentives for ongoing investment and allowing retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues,"; and

Further amend said resolution, Page 3, Line 17, by inserting immediately after the word "**Assembly**" the following:

"but in any event no later than December 1, 2001,".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCS** for **SCR 28**.

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, recent high fuel prices have alerted us to the need to improve our nation's policies on fuel production and efficient use of energy; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) has recently suggested that they will reduce crude oil production again in an attempt to manipulate prices; and

WHEREAS, reductions in crude oil production have resulted in sharp increases in prices for natural gas, gasoline and home heating oil; and

WHEREAS, the United States has become dangerously dependent on foreign petroleum; and

WHEREAS, Missouri consumers are experiencing higher prices at the pump and in home heating costs and these high prices are negatively impacting their quality of life; and

WHEREAS, the economic stability of many areas of the state which rely on tourism may be jeopardized if the number of persons traveling to Missouri's vacation destinations is significantly reduced due to increased gasoline prices; and

WHEREAS, the trucking industry, heavily dependent on the availability and price of gasoline and diesel fuel, has been especially hard hit by the increase in fuel costs that have resulted in a significant increase in the transportation costs associated with the delivery of consumer goods throughout the state. Such an increase in cost to the trucking industry will inevitably be passed along to consumers as an increase in the price of consumer goods; and

WHEREAS, the increased petroleum fuel costs is particularly detrimental to Missouri family farmers because it comes at a time when overall market prices are low; and

WHEREAS, fuel prices could be reduced by increasing domestic production and encouraging the development of markets for products that can be used as the source material for renewable alternative fuels:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to actively address the issue of fuel prices and take immediate actions necessary to reduce our nation's dependency on foreign petroleum sources, boost our own economy, and increase energy efficiency by:

- (1) Encouraging exploration for domestic petroleum sources in a manner that does not, based on established scientific principles, adversely impact the environment;
- (2) Encouraging and creating incentives for fuel conservation measures that do not, based on established economic principles, harm the economy; and
- (3) Encouraging and creating incentives for research, development and use of solar and other alternative fuel sources, including ethanol and other fuels made from renewable materials that would not only reduce our dependency on foreign petroleum, but also have the potential to improve environmental protection and boost local economies; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, Secretary Gale Norton of the United States Department of the Interior, Secretary Spencer Abraham of the United States Department of Energy, Secretary Ann M. Veneman of the United States Department of Agriculture, Administrator Christine Todd Whitman of the United States Environmental Protection Agency, the White House Office of Management and Budget, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 12** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 12**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 14** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 14**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 319**, as amended, and grants the Senate a conference thereon.

The Speaker of the House has appointed the following committee to act with a like committee from the Senate. Representatives: Johnson 61, Relford, Franklin, Myers and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refused to adopt the Conference Committee Report on **HCS** for **SCS** for **SB 151** and requests further conference.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HB 801**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 14** submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 14.
- That the House recede from its position on House Committee Substitute for House Bill No. 14.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Charles Q. Troupe
/s/ May Scheve

/s/ Wayne Goode
/s/ Harry Wiggins

/s/ Charlie Shields
/s/ Catherine S. Hanaway

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators

Klarich Loudon--2

Absent--Senators

Schneider Singleton--2

Absent with leave--Senator Carter--1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 14**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for the expenses, grants, distributions, planning and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions of the Department of Health, Department of Social Services, Department of Mental Health, Department of Public Safety, Department of Higher Education and institutions of higher education included therein, Department of Elementary and Secondary Education, and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins--29			

NAYS--Senators

Klarich Loudon Yeckel--3

Absent--Senator Singleton--1

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 12

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
- That the House recede from its position on House Committee Substitute for House Bill No. 12.
- That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
/s/ Larry Rohrbach
/s/ Morris Westfall
/s/ Wayne Goode
/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Timothy P. Green
/s/ Yvonne S. Wilson
/s/ Dennis Bonner
/s/ Ken Legan
/s/ Annie Reinhart

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Caskey--1

Absent--Senator Schneider--1

Absent with leave--Senator Carter--1

President Maxwell assumed the Chair.

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senator Caskey--1

Absent--Senator Schneider--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 267**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 267

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267 with House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Substitute Amendment No. 1 for House Amendment No. 10, House Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14, House Amendment No. 15, and House Amendment No. 16, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 267;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, be adopted.

FOR THE SENATE:

/s/ David Klarich
/s/ Michael R. Gibbons
/s/ Sarah H. Steelman
/s/ Ken Jacob
/s/ Harold Caskey

FOR THE HOUSE:

/s/ Don Lograsso
/s/ Richard Byrd
/s/ Ralph Monaco
/s/ Craig Hosmer
/s/ Russ Carnahan

Senator Klarich moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Johnson	Mathewson	Schneider	Singleton
Staples--5			

Absent with leave--Senator Carter--1

On motion of Senator Klarich, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 267**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 267

An Act to repeal sections 43.503, 56.085, 56.765, 57.130, 67.133, 194.115, 210.140, 247.224, 287.610, 303.025, 374.700, 452.556, 455.040, 476.010, 478.610, 479.020, 479.150, 482.330, 483.500, 488.426, 488.429, 488.447, 488.607, 488.5332, 488.5336, 490.130, 491.300, 508.190, 512.180, 534.070, 535.030, 550.120, 565.030, 574.075, 595.030, 595.035, 595.045, 610.105, 632.480, 632.483, 632.492 and 632.495, RSMo 2000, section 303.041 as enacted by senate substitute for house substitute for house committee substitute for house bill no. 1797, ninetieth general assembly, second regular session, and section 303.041 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof fifty-five new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Schneider Singleton--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 285, introduced by Representative Riback Wilson (25), et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to Missouri centers of excellence in women's health.

Was taken up by Senator Jacob.

Senator Sims offered **SS** for **HB 285**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 285

An Act to repeal sections 208.151 and 376.1209, RSMo 2000, relating to women's health, and to enact in lieu thereof three new sections relating to the same subject.

Senator Sims moved that **SS** for **HB 285** be adopted.

Senator Jacob offered **SS** for **SS** for **HB 285**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 285

An Act to repeal sections 208.151 and 376.1209, RSMo 2000, relating to women's health, and to enact in lieu thereof four new sections relating to the same subject.

Senator Jacob moved that **SS** for **SS** for **HB 285** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 19, Section 376.1209, Line 14 of said page, by inserting after all of said line the following:

"660.026. The director of the department of social services or the director's designee may contract with and provide funding support to federally qualified health centers in this state. A federally qualified health center is an entity as defined in 42 U.S.C. 1396d(1)(2)(B). Funds appropriated in support of this section will be used to assist federally qualified health centers in ensuring that health care is available to underserved persons in this state. Such funds may also be used by federally qualified health centers to support their capital expansion, infrastructure, redesign or other similar uses, in those cases where federal funds are not available for such purposes, and for other services such as dental care and mental health services."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 2, Section 192.972, Line 25, by inserting after all of said line the following:

"192.1010. 1. There is hereby established within the department of health, the "Life Sciences Research Program". The program shall be administered by the director of the department of health based upon the recommendations of the "Life Sciences Research Board", which is hereby created. The program shall consist of grant awards from moneys appropriated from the "Life Sciences Research Fund", which is hereby created in the state treasury. The grant awards shall be designed to achieve the goals stated in subsection 4 of this section.

2. The life sciences research board shall consist of eight members who shall be appointed in the following manner:

- (1) Each member shall be appointed by the governor with the advice and consent of the senate for a term of six years, except for the terms of the initial members. The board shall select its own chairperson from among its members;**
- (2) The members of the board shall be generally familiar with the life sciences and current research trends and developments, with either technical or scientific expertise in life sciences, and with an understanding of the application of the results of life sciences research;**
- (3) Two initial members of the life sciences research board shall be appointed to two-year terms. Three initial members shall be appointed to a four-year term. The remaining three initial members shall be appointed to six-year terms. All subsequent appointees shall be appointed to six-year terms;**
- (4) No member of the life sciences research board shall serve more than two consecutive full six-year terms on the board;**
- (5) The director of the department of health shall be a member of the board;**
- (6) The director of the office of minority health shall be a non-voting member of the board.**

3. The life sciences research board shall solicit, collect and prioritize proposed research initiatives for consideration for funding by the board.

4. The life sciences research board shall take applications for grants-in-aid in order to increase the capacity and infrastructure for quality life sciences research in the state of Missouri and to improve the quantity and quality of life sciences research. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to health research in human safety development and aging, cancer, endocrine, cardiovascular, neurological including nerve regeneration, pulmonary, diagnostic disease and infectious disease, and nutrition and food safety.

5. The applications shall be designed by the department of health in consultation with the board and shall contain information necessary to determine the potential benefits of grants-in-aid to be awarded, as well as other information deemed necessary for the administration of this program. The grant application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of 192.1010 to 192.1030. The department of health shall not approve a grant award unless the department makes specific written findings that such research project shall be conducted in compliance with sections 192.1010 to 192.1030. The grant application and the grant award shall be a public record within the meaning of chapter 610, RSMo. The department of health shall promulgate rules in accordance with chapter 536, RSMo, to implement the provisions of this subsection.

6. The department of health shall provide facilities, equipment, administrative and technical support services and administrative staff.

7. In determining projects to authorize, the life sciences research board shall consider the potential of any proposal to bring both health and economic benefit to the people of Missouri.

8. The life sciences research board shall have the authority to:

- (1) Award research grants;**
- (2) Enter into contracts relating to research;**

(3) Adopt research standards;

(4) Promulgate rules governing the administration of research programs, research grants, research contracts and licensing contracts, and the reimbursement of costs, utilization of intellectual property rights, conflict of interest guidelines, consistent with sections 192.1010 to 192.1035;

(5) Make provision for peer review panels to recommend and review research projects;

(6) Contract for administrative and technical support services;

(7) Lease or acquire facilities and equipment;

(8) Employ administrative staff; and

(9) Receive, disburse and administer any funds appropriated to it.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 192.1010 to 192.1035 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. The rulemaking authority granted in such sections and the provisions of chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

192.1015. The life sciences research board shall make provision for and secure from the state auditor or outside certified public accounting firm an annual audit of its financial affairs and the funds expended from the life sciences research account. The audit shall be performed on a fiscal year basis. Any audit shall be paid for by moneys expended from the life sciences research fund, whether performed by the state auditor or outside certified public accounting firm. The board will make copies of each audit publicly available. Every three years the board with assistance of its staff or independent contractors as determined by the board shall prepare a comprehensive report assessing the work and progress of the life sciences research program. Such assessment report shall analyze the impact of the board's programs and research performed, shall be provided to the governor and members of the general assembly and shall be publicly available.

192.1020. Grant awards made by the life sciences research board shall provide for the reimbursement of costs. Whether reimburse-ment of particular costs will be allowed depends on the application of a four-part test balancing, which shall include:

(1) The reasonableness of the cost;

(2) The connection to the grant;

(3) The consistency demonstrated in assigning costs to the grant; and

(4) Conformance with the particular terms and conditions of the award.

192.1025. Grant recipients have an obligation to preserve research freedom, to ensure timely disclosure of their research findings to the scientific community, including through publications and presentations at scientific meetings, and to promote utilization, commercialization and public availability of their inventions and other intellectual property developed in the performance of research funded by a grant award. Institutions or organizations receiving grant awards shall retain all right, title and interest, including all intellectual property rights, in and to any and all inventions, ideas, data, improvement, modifications, discoveries, know-how, creations, copyrightable material, trade secrets, methods, processes, discoveries and derivatives, whether patentable or not, which are made in the performance of work under a grant award. The life sciences research board may, however, adopt reasonable regulations to insure that any such intellectual property rights are

utilized reasonably and in a manner which is in the public interest.

192.1030. 1. Notwithstanding the provisions of sections 192.1010 to 192.1025, no grant awards shall be paid, granted, or used, to subsidize in whole or in part:

- (1) Abortion services; or**
- (2) Destructive human research; or**
- (3) Development of drugs or chemicals intended to be used to induce an abortion; or**
- (4) Human cloning.**

2. For the purposes of this section:

- (1) "Abortion services" shall mean performing or inducing, assisting in performing or inducing, or referring a woman for, an abortion, except when necessary to save the life of the mother;**
- (2) "Child" if in utero, shall mean the same as an unborn child, as defined in section 188.015, RSMo; and if ex utero, shall mean a human being at any of the stages of biological development of an unborn child from conception onward;**
- (3) "Destructive human research" shall mean research in which there is the taking or utilization of the organs, tissue or cellular material of a:**
 - (a) Deceased child, unless consent was given the manner provided pursuant to sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent caused the death of such child or consented to someone causing the death of such child; or**
 - (b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;**
- (4) "Facilities and administrative costs" shall mean those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;**
- (5) "Grant awards" shall mean awards of state funds pursuant to sections 192.1010 to 192.1030;**
- (6) "Human cloning" shall mean the replication of a human being genetically identical to another human being;**
- (7) "Research project" shall mean research specified in the grant award conducted under the auspices of the institution or institutions that applied for and received such grant award pursuant to sections 192.1010 to 192.1030, regardless of whether the research is funded in whole or part by such grant award. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease, and nutrition and food safety. Such research may also include research and development on product safety and preventative care technologies.**

3. No grant awards shall be paid or granted pursuant to sections 192.1010 to 192.1030 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, destructive human research, the development of drugs or chemicals intended to be used to induce an abortion or human cloning. A research project that receives a grant award shall not share costs with another research project, person or entity not qualified to receive a grant award pursuant to sections 192.1010 to 192.1030; provided, however, the

research project that receives a grant award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 192.1015 shall also certify compliance with this section.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the department of health, its officers or employees, in a circuit court of proper venue to enforce the provisions of this section.

5. Sections 192.1010 to 192.1030 shall not be construed to permit or make lawful any conduct that is otherwise unlawful under the laws of this state.

6. All of the provisions of sections 192.1010 to 192.1025 are severable; provided, however, the provisions of section 192.1030 are not severable from the provisions of sections 192.1010 to 192.1025. If any provision of sections 192.1010 to 192.1025 is found to be invalid, unenforceable or unconstitutional, the remaining provisions of sections 192.1010 to 192.1025 shall be and remain valid. However, if any provision of section 192.1030 shall be found to be invalid, unenforceable or unconstitutional, all the provisions of sections 192.1010 to 192.1025 shall be invalid and unenforceable."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Steelman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 1, Section 192.972, Line 5, by inserting immediately before all of said line the following:

"191.975. 1. This section shall be known and may be cited as the "Adoption Awareness Law".

2. In order to raise public awareness and educate the public, the division of maternal, child and family health in the department of health, in conjunction with the department of social services and with the office of women's health in the department of health, shall be responsible for:

(1) Collecting resource materials in order to educate communities about foster care and adoption;

(2) Establishing and promoting education materials which shall include a toll-free telephone number established by the department and which may include a video, brochures or public relations campaigns about adoption and foster care for public use and for use as a part of the department of health's family planning and education programs. The material shall include, but not be limited to, information about:

(a) The benefits of adoption and foster care;

(b) Adoption and foster care procedures;

(c) Methods of payment;

(d) Methods of controlling the adoption of a child, including the choice of adoptive parents;

(e) Protection for and rights, or lack thereof, of the birth parents prior to and following the adoption;

(f) Location of adoption and foster care agencies;

(g) Discussion of various state health programs for women and children, including medical assistance programs, as well as income assistance programs; and

(h) Direction to appropriate counseling services which shall include, but not be limited to, information for parents who elect to keep their children;

(3) Such materials shall be made available through department of health clinics and family planning programs, and privately-funded adoption agencies, and abortion facilities, as defined in section 188.015, RSMo, and private physicians for distribution to their patients who request such material. Such materials may be made available to the public through the department of health's Internet website.

3. The duties prescribed in this section shall be subject to appropriations by the general assembly.

4. The division shall promulgate rules and regulations for the implementation of this section in accordance with chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Sims raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Cauthorn offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 1, Section A, Line 4, by inserting after all of said line the following:

"191.332. 1. By January 1, 2002, the department of health shall, subject to appropriations, expand the newborn screening requirements in section 191.331 to include potentially treatable or manageable disorders, including cystic fibrosis, galactosemia, biotinidase deficiency, congenital adrenal hyperplasia, maple syrup urine disease (MSUD) and other amino acid disorders, glucose-6-phosphate dehydrogenase deficiency (G-6-PD), MCAD and other fatty acid oxidation disorders, methylmalonic acidemia, propionic acidemia, isovaleric acidemia and glutaric acidemia Type I.

2. The department of health may promulgate rules to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SS** for **SS** for **HB 285** is out of order, in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken for lack of timeliness.

SA 4 was again taken up.

Senator Singleton assumed the Chair.

President Maxwell assumed the Chair.

Senator Sims raised the point of order that SA 4 is out of order as it exceeds the scope and purpose of SS for SS for HB 285.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Foster offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 19, Section 376.1209, Line 14, by inserting after all of said line the following:

"Section 1. The state of Missouri hereby waives all rights to the possibility of reverter in the real property particularly described in the quitclaim deed in Book 279 at Pages 76-77 of the office of the recorder of deeds of Scott County."; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted.

At the request of Senator Foster, SA 5 was withdrawn.

Senator Sims offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 17, Section 376.1199, Line 6, by deleting "rider to the" and in line 26, delete "rider to the" and on page 18, line 2, delete "rider to the".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 1, In the Title, Line 3 of said page, by striking the word "women's"; and

Further amend said bill, Page 13, Section 208.151, Line 20 of said page, by inserting after all of said line the following:

"376.1150. 1. Any new mandated health insurance coverage for specific health services, specific diseases or for certain providers of health care services approved by the general assembly shall apply only to the Missouri consolidated health care plan established in chapter 103, RSMo, for a period of at least one year beginning with the first anniversary date of the Missouri consolidated health care plan subsequent to the approval of the mandate by the general assembly. On or before March first, after the one-year period for which the mandate has been applied, the board of trustees of the Missouri consolidated health care plan shall submit to the president pro tem of the senate and the speaker of the house of representatives a report indicating the impact such mandated coverage has had on the Missouri consolidated health care plan, including data on the

utilization and costs of such mandated coverage. Such report shall also include a recommendation on whether such mandated coverage should continue for the Missouri consolidated health care plan or whether additional utilization and cost data is required.

2. The general assembly shall periodically review all health insurance coverages mandated by state law."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Singleton raised the point of order that SA 7 is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 7 was again taken up.

Senator Loudon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Gibbons, Gross and Wiggins.

SA 7 failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Gibbons	Gross	Kenney
Kinder	Klarich	Loudon	Rohrbach
Yeckel--9			
NAYS--Senators			
Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Foster	Goode
House	Jacob	Johnson	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins--22		
Absent--Senators			
Klindt	Staples--2		
Absent with leave--Senator Carter--1			

Senator Dougherty offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 19, Section 376.1209, Line 14, by inserting immediately after said line the following:

"376.1290. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements, to the extent not preempted by federal law, and all managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall offer coverage for testing pregnant women for lead poisoning and for all testing for lead poisoning authorized by sections 701.340 to 701.349, RSMo, or by rule of the department of health promulgated pursuant to sections 701.340 to 701.349, RSMo.

2. Health care services required by this section shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan.

3. No entity enumerated in subsection 1 of this section shall reduce or eliminate coverage as a result of the requirements of this section.

4. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

701.322. Upon request of a physician, health care facility or third-party insurer, the department may provide laboratory services for tests related to contagious or infectious diseases. The department may conduct laboratory testing of blood specimens for lead content on behalf of a physician, hospital, clinic, free clinic, municipality or private organization which cannot secure or provide such services through other sources. The department of health may charge a fee for laboratory services rendered [under] **pursuant to this section.** [Such] **Fees for tests related to contagious or infectious diseases** shall be deposited in a separate account in the Missouri public health services fund, created in section 192.900, RSMo, and funds in such account shall be used to provide laboratory testing services by the department.

Fees for laboratory testing of blood specimens for lead content shall be deposited in the childhood lead testing fund created in section 701.348, RSMo.

701.326. 1. The department of health shall establish and maintain a lead poisoning information reporting system which shall include a record of lead poisoning cases which occur in Missouri along with the information concerning these cases which is deemed necessary and appropriate to conduct comprehensive epidemiologic studies of lead poisoning in this state and to evaluate the appropriateness of lead abatement programs.

2. The director of the department of health shall promulgate rules and regulations specifying the level of lead poisoning which shall be reported and any accompanying information to be reported in each case. Such information **shall include the patient's address and** may include the patient's name, [address,] diagnosis (**including the blood lead level**), pathological findings, the stage of the disease, environmental and known occupational factors, method of treatment and other relevant data from medical histories. Reports of lead poisoning shall be filed with the director of the department of health within a period of time specified by the director. The department shall prescribe the form and manner in which the information shall be reported.

3. The attending health care professional of any patient with lead poisoning shall provide to the department of health the information required pursuant to this section.

4. When a case of lead poisoning is reported to the director, the director shall inform such local boards of health, public health agencies, and other persons and organizations as the director deems necessary; provided that, the name of any child contracting lead poisoning shall not be included unless the director determines that such inclusion is necessary to protect the health and well-being of the affected individual.

5. The director shall require all health care professionals or health care organizations required to report blood tests which are positive for lead poisoning pursuant to sections 701.300 to 701.349 or rules promulgated thereunder to submit a monthly report of all blood tests performed which are negative for lead poisoning. The department shall prescribe by rule the form and manner in which the information shall be reported.

701.328. 1. The department of health shall protect the identity of the patient and physician involved in the reporting required by sections 701.318 to [701.330] **701.349.** Such identity shall not be revealed except that the identity of the patient shall be released only upon written consent of the patient. The identity of the physician shall be released only upon written consent of the physician.

2. The department may release without consent any information obtained pursuant to sections 701.318 to [701.330] **701.349,** including the identities of certain patients or physicians, when the information is necessary for the performance of duties by public employees within, or the legally designated agents of, any state or local agency, department or political subdivision, but only when such employees and agents need to know such information to perform their public duties.

3. The department shall use or publish reports based upon materials reported pursuant to sections 701.318 to [701.330] **701.349** to advance research, education, treatment and lead abatement. **The department shall geographically index the data from lead testing reports to determine the location of areas of relatively high incidence of lead poisoning.** The department shall provide qualified researchers with data from the reported information upon the researcher's compliance with appropriate conditions as provided by rule and upon payment of a fee to cover the cost of processing the data.

701.340. 1. Beginning January 1, 2002, the department of health shall implement a childhood lead testing program which requires every child less than six years of age to be tested for lead poisoning in accordance with the provisions of sections 701.340 to 701.349. In coordination with the department of health, every health care facility serving children less than six years of age, including but not limited to hospitals and clinics licensed pursuant to chapter 197, RSMo, shall take appropriate steps to ensure that their patients receive such lead poisoning testing.

2. The test for lead poisoning shall consist of a blood sample that shall be sent to a state-licensed laboratory for analysis. The department of health shall, by rule, determine the blood test protocol to be used.

3. The department of health shall, using factors established by the department, identify geographic areas in the state that are at high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested:

(1) At least once every six months between the ages of six months and three years; and

(2) Annually between the ages of three years and six years.

4. Any child less than six years of age who does not reside or spend more than ten hours a week in geographic areas identified as high risk by the department shall be tested once prior to 18 months of age.

5. Nothing in sections 701.340 to 701.349 shall be construed to require a child to undergo lead testing whose parent or guardian objects to the testing in a written statement that states the parent's or guardian's reason for refusing such testing.

701.342. 1. The department of health, in coordination with the department of social services and the department of elementary and secondary education, shall develop and provide questionnaires for every child to be assessed within three months of birth and at least once a year thereafter until the child is six years of age to determine whether such child is at high risk for lead poisoning. The questionnaire shall follow the recommendations of the Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

2. If the questionnaire indicates an increased risk of lead poisoning, the child shall be deemed to be at high risk for lead poisoning.

3. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing not undergoing renovation or who meets any additional criteria set by local boards of health shall be tested according to the testing schedule pursuant to section 701.340.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations shall be tested at least once every three months during the renovation and once after the completion of the renovation.

5. The department may promulgate rules to identify pregnant women who may be at high risk for exposure to lead poisoning, to provide such women with educational materials about the dangers of lead poisoning, to develop a questionnaire to be used to determine whether pregnant women are at high risk for lead poisoning, and to direct physicians to recommend testing and make testing available to pregnant women who are deemed to be at high risk.

6. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of any child who tests positive for lead poisoning and shall, by rule, establish the methods and intervals of follow-up treatment for such children.

7. When the department is notified of a case of lead poisoning pursuant to subsection 6 of this section, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead poisoned child.

701.344. The department of health shall have the following duties regarding the childhood lead testing program:

(1) By January 1, 2002, the department shall develop an educational mailing to be sent to every physician licensed by and practicing in this state informing such physician of the childhood lead testing program and the responsibilities of physicians pursuant to such program;

(2) The department shall apply for, take all steps necessary to qualify for and accept any federal funds made available or allotted pursuant to any federal act or program for state lead poisoning prevention programs. Any moneys received pursuant to this subdivision shall be deposited in the childhood lead testing fund;

(3) The department shall convene a task force to investigate the imposition of a fee on entities manufacturing products containing lead. Within three months of the effective date of sections 701.340 to 701.349, the task force shall report its recommendations to the director of the department of health. Such fees shall be limited to the amount deemed necessary by the director of the department of health for implementation of sections 701.340 to 701.349. Fees collected pursuant to this subdivision shall be deposited in the childhood lead testing fund;

(4) The director of the department of health or the director's designee may, subject to appropriations, contract with a public agency or a university, or collaborate with any agencies, individuals or groups to provide necessary services, develop educational programs, scientific research and organization, and interpret data from lead testing reports;

(5) Beginning January 1, 2003, and every January first thereafter, the department of health shall submit a report evaluating the extent of physician compliance with sections 701.340 to 701.349 to the following committees of the Missouri legislature: senate appropriations committee, senate public health and welfare committee, house appropriations - health and mental health committee and house public health committee.

701.346. 1. Every child care facility, as defined in section 210.201, RSMo, and every child care facility affiliated with a school system, a business organization or a nonprofit organization shall, within thirty days of enrolling a child, require the child's parent or guardian to provide evidence of lead poisoning testing in the form of a statement from the health care professional that administered the test. If there is no evidence of testing, the person in charge of the facility shall provide the parent or guardian with information about lead poisoning and locations in the area where the child can be tested. When a parent or guardian cannot obtain such testing, the person in charge of the facility may arrange for the child to be tested by a local health officer with the consent of the child's parent or guardian. At the beginning of each year of enrollment in such facility, the parent or guardian shall provide proof of testing in accordance with the provisions of sections 701.340 to 701.349 and any rules promulgated thereunder.

2. No child shall be denied access to education or child care because of failure to comply with the provisions of sections 701.340 to 701.349.

701.348. 1. There is hereby created in the state treasury the "Childhood Lead Fund". The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources related to lead testing, education and screening. The general assembly may appropriate moneys to the fund for the support of the childhood lead testing program established in sections 701.340 to 701.349. The moneys in the

fund shall be used to fund the administration of childhood lead programs, the administration of blood tests to uninsured children, educational materials and analysis of lead blood test reports and case management.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

701.349. The department of health shall promulgate rules to implement the provisions of sections 701.340 to 701.349. No rule or portion of a rule promulgated under the authority of sections 701.340 to 701.349 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Sims raised the point of order that **SA 8** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar, with **SS, SS** for **SS, SA 8** and the point of order (pending).

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 10, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on March 23, 2001 for your advice and consent:

Anne Carole Ream, O.D., Republican, 418 East Maple, West Plains, Howell County, Missouri 65775, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Paul Combs, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 10, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 17, 2001 for your advice and consent:

William J. Baker, Democrat, 12904 East 41st Terrace, Independence, Jackson County, Missouri 64055, as Chairman of the Jackson County Board of Election Commissioners, for a term ending April 2, 2002, and until his successor is duly appointed and qualified; vice, Thomas J. Walsh, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 10, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Michael L. Green for the Missouri Commission on Human Rights, submitted to you on April 27, 2001. Line 2 should be amended to read:

Scott County, Missouri 63801, as a member of the Missouri

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above addendum to the Committee on Gubernatorial Appointments.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 319**, as amended: Senators Bland, Stoll, Bentley, Yeckel and Kenney.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 33**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 14**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HS** for **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HJR 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 882**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 249**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 781, regarding Christopher R. Welchert, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 782, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry Wirth, Lee's Summit, which was adopted.

Senators Rohrbach and Mathewson offered Senate Resolution No. 783, regarding Dr. John Boise, Warsaw, which was adopted.

Senator Scott offered Senate Resolution No. 784, regarding the One Hundred Twenty-fifth Anniversary of the Missouri Court of Appeals, Eastern District, which was adopted.

Senators Foster, Kinder, Klarich, Staples and Steelman offered Senate Resolution No. 785, regarding the Black River Electric Cooperative, which was adopted.

Senator Klindt offered Senate Resolution No. 786, regarding the Ninety-Second Birthday of Denzil Stevensen, Parnell, which was adopted.

Senator Westfall offered Senate Resolution No. 787, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Petersen, Louisburg, which was adopted.

Senator Yeckel offered Senate Resolution No. 788, regarding James M. Schibig, Mehlville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Peggy Barjenbruch, M.D., Mexico.

Senator Kenney introduced to the Senate, his wife, Sandi, Keith and Kathy Asel, Alan and Sherry Goforth and Greg and Sara Lesko, Lee's Summit.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Friday, May 11, 2001.

SENATE CALENDAR

SEVENTY-FIRST DAY-FRIDAY, MAY 11, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 1000-

Hosmer

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334

& 228-Kinder (In Budget Control) SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS HOUSE BILLS ON THIRD READING

1. HB 120-O'Connor, with

SCS (Caskey)

2. HB 163-Berkowitz and

Wagner (Westfall)

3. HB 471-Jolly, et al,

with SCS (Wiggins)

4. HB 626-Hosmer, with

SCS (Bentley)

5. HS for HCS for HB 107-

Clayton, with SCS

(Klarich)

(In Budget Control)

6. HCS for HB 50, with

SCS (Stoll)

(In Budget Control)

7. HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

8. HB 185-Legan, et al,

with SCS (Gross)

9. HCS for HB 738

(Klarich)

10. HCS for HBs 441, 94 &

244 (Johnson)

11. HB 453-Ransdall, et al,

with SCS (Steelman)

12. HB 501-Bowman, et al,

with SCS (Steelman)

(In Budget Control)

13. HCS for HB 581, with

SCS (Klindt)

14. HB 133-Gambaro, with

SCS (Yeckel)

15. HCS for HB 241, with

SCS (Caskey)

16. HS for HCS for HBs

328 & 88-Harlan,

with SCS (Sims)

17. HB 70-Koller, with

SCA 1 (Staples)

18. HB 678-Seigfreid,

with SCS (Mathewson)

19. HS for HCS for HB 824-

Abel (Mathewson)

(In Budget Control)

20. HS for HCS for HBs 924,

714, 685, 756, 734 &

518-Wiggins, with SCS

(Mathewson)

(In Budget Control)

21. HB 769-Harlan (House)

22. HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

23. HB 621-Gratz and

Vogel, with SCA 1

(Rohrbach)

24. HB 262-Linton, et al,

with SCAs 1 & 2

(Klarich)

25. HS for HCS for HB 327-

Rizzo, with SCS (Quick)

(In Budget Control)

26. HB 219-Townley, et al,
with SCS (Cauthorn)

27. HS for HB 736-Liese,
with SCS (Yeckel)

(In Budget Control)

28. HCS for HB 780, with
SCS (Kenney)

(In Budget Control)

29. HCS for HJR 7, with
SCS (Staples)

30. HS for HB 882-Crump,
with SCS

31. HB 249-Treadway, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with
SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,
SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,
with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 586-Klindt, with SCS &

SA 2 (pending)

SB 593-Klindt, with SCS

SJR 11-Yeckel HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS &

SA 9 (pending) (Kenney)

HB 285-Riback Wilson, et al,

with SS, SS for SS, SA 8 &

point of order (pending) (Jacob)

HS for HB 381-Hoppe, with

SCS, SS for SCS &

SA 12 (pending) (Kenney)

HB 385-Franklin, with SCS,

SS for SCS & SA 8

(pending) (Foster)

HB 444-Kreider, et al,

with SCA 1 (Wiggins)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HB 662-Green (73) and St. Onge,

with SCS & SA 2

(pending) (Foster)

HS for HCS for HB 762-

Barry, with SCS, SS

for SCS, SA 8 & SSA 1

for SA 8 (pending)

(Sims and Stoll)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with

SS, SA 1 & point of

order (pending) (Yeckel) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al
(Stoll)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 86-Rohrbach, with HCS,
as amended

SB 274-Caskey, with HCS

SB 307-Jacob, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 151-Childers, with HCS
(House requests further conference)

SS for SB 193-Rohrbach,
with HCS, as amended
(Senate offered CCR)

SS for SCS for SB 267-Klarich,
with HS for HCS, as amended
(Senate adopted CCR
and passed CCS)

SB 319-Carter, with HCS,
as amended

SS for SCS for SBs 323 &
230-Childers, with HS,
as amended

SB 462-Westfall, with HCS,
as amended

SB 610-Westfall,
with HCS

HCS for HBs 144 & 46,
with SS for SCS, as
amended (Kenney)

HCS for HBs 302 & 38, with
SCS, as amended (Westfall)

HS for HB 421-Hoppe, with
SS for SCS, as amended
(Kinder)

HCS for HB 567, with SS for
SCS, as amended (Klarich)

Requests to Recede or Grant Conference

SB 304-Klarich, with HCS
(Senate requests House
recede or grant conference)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3
& SSA 1 for SA 3 (pending)

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt
(House)

SR 495-Klarich, with SCS

SCR 33-Westfall

HCR 14-Koller (Staples)

HCR 22-Barnitz

HCR 23-Holand

HCR 12-Haywood (Goode)

HS for HCR 25-Graham (Jacob) Reported from House with Amendments

SCR 3-Gross, et al, with HA 1

SCR 18-Goode, with HA 1

SCR 28-DePasco, with HCS Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY--FRIDAY, MAY 11, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"O LORD, you are Father; we are the clay, and you are our potter; we are all the work of your hand." (Isaiah 64:8)

Creator God, as You created all that exists and have molded and formed us to be Your children, we celebrate our spiritual identity and share the joy of Your re-creating us daily for Your good purposes. As we leave here to return to our homes and loved ones let us rest in You and be renewed in spirit, mind and body so that we are ready to face the challenges that each new day will certainly bring us. And Father, bless our doorkeeper, Bill Wyrick, with Your comforting presence as he mourns the death of his wife; provide him strength and the memory of Your goodness and mercy. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 789, regarding the death of William Isaiah "Bill" Park, Jr., M.D., Springfield, which was adopted.

PRIVILEGED MOTIONS

Senator Rohrbach moved that **SB 86**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 86**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 86

An Act to repeal sections 64.170 and 64.180, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **HCS** for **SB 86**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Wiggins	Yeckel--28
NAYS--Senators			
Singleton	Westfall--2		
Absent--Senators			
Jacob	Quick	Schneider--3	
Absent with leave--Senator Carter--1			

On motion of Senator Rohrbach, **HCS** for **SB 86**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Quick	Schneider	Singleton--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Childers moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Childers moved that the Senate grant further conference on **HCS** for **SCS** for **SB 151**, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 151**: Senators Childers, Bentley, Gross, Stoll and Johnson.

PRIVILEGED MOTIONS

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 323** and **230**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 323 and 230

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230 with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Substitute Amendment No. 2 for House Amendment No. 8, House Amendment No. 9, House Amendment No. 10 and House Amendment No. 11, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230;
3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 323 & 230, be adopted.

FOR THE SENATE:

/s/ Doyle Childers
/s/ Sidney Johnson
/s/ Roseann Bentley
/s/ Sarah H. Steelman
/s/ Jim Mathewson

FOR THE HOUSE:

/s/ Don Koller
/s/ Francis Overschmidt
/s/ Mark Hampton
/s/ Estel Robirds
/s/ Judy Berkstresser

Senator Childers moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kinder	Klarich	Klindt
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

	NAYS--Senators	
Gibbons	Kenney	Loudon--3
	Absent--Senators	
Schneider	Singleton--2	
	Absent with leave--Senator Carter--1	

On motion of Senator Childers, **CCS** for **HS** for **SS** for **SCS** for **SBs 323** and **230**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 323 and 230

An Act to repeal sections 67.1003, 67.1300, 67.1360, 67.1775, 94.812 and 210.861, RSMo 2000, and to enact in lieu thereof thirty-three new sections relating to certain local taxes.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kinder	Klarich	Loudon
Mathewson	Quick	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
	NAYS--Senators		
Kenney	Rohrbach--2		
	Absent--Senators		
Bland	Klindt	Schneider	Staples--4
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Gross moved that **SCR 3**, with **HA 1**, be taken up for adoption, which motion prevailed.

HA 1 was taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers

DePasco	Dougherty	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	Foster	Mathewson	Schneider
Staples--5			

Absent with leave--Senator Carter--1

On motion of Senator Gross, **SCR 3**, as amended by **HA 1**, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Mathewson	Schneider	Staples--3
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Absent with leave--Senator Carter--1

Senator Goode moved that **SCR 18**, with **HA 1**, be taken up for adoption, which motion prevailed.

HA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Russell	Schneider--2
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Absent with leave--Senator Carter--1

On motion of Senator Goode, **SCR 18**, as amended by **HA 1**, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Schneider	Singleton--2		
	Absent with leave--Senator Carter--1		

Senator DePasco moved that **SCR 28**, with **HCS**, be taken up for adoption, which motion prevailed.

HCS for **SCR 28** was taken up.

Senator DePasco moved that **HCS** for **SCR 28** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator Dougherty--1		
	Absent--Senators		
Russell	Schneider--2		
	Absent with leave--Senator Carter--1		

On motion of Senator DePasco, **SCR 28**, as amended by the **HCS**, was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Quick	Russell	Schneider--3	
	Absent with leave--Senator Carter--1		

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HB 1000**--Select Committee on Redistricting.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Hugh L. Mills, Jr., John L. Evans, James M. Harig and Darrell D. Nash, as members of the Amusement Ride Safety Board;

Also,

Ching-ling Tai, as a member of the Missouri Community Service Commission;

Also,

Matthews C. Barnes, as an outstate nonvoting member of the Board of Governors for Truman State University;

Also,

Morris Lee Brown, as a member of the State Fair Commission;

Also,

Elizabeth A. Deffenbaugh, as a member of the Board of Regents for Missouri Southern State College;

Also,

Gerri A. Kielhofner, as a member of the Elevator Safety Board;

Also,

Annette N. Morgan, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Patt Vernon Sharp, as a member of the State Board of Education;

Also,

Melinda K. Elmore, as a member of the Missouri Head Injury Advisory Council;

Also,

Donna M. White, as a member of the Board of Probation and Parole;

Also,

Roger D. Stottlemire, as Superintendent of the Missouri State Highway Patrol;

Also,

Gary B. Kempker, as Director of the Department of Corrections;

Also,

Charles R. Jackson, as Director of the Department of Public Safety;

Also,

Vicky L. Weimholt, as a member of the Personnel Advisory Board;

Also,

Jerry E. Adams, as Commissioner of the Missouri State Water Patrol;

Also,

Charles "Gil" Copley, as a member of the Advisory Committee on Lead Poisoning;

Also,

James E. Tuscher, as a member and Chairperson of the Governor's Council on Disabilities;

Also,

Roger L. Gregory, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Donald J. Gralike, as a member of the Missouri Veterans Commission;

Also,

Robert A. Pearson, as a member of the Missouri State Board of Accountancy;

Also,

Janice Schnake Greene, Ph.D., as a public member of the Clean Water Commission of the State of Missouri;

Also,

Ronald J. Walkenbach, as a member of the Organ Donation Advisory Committee;

Also,

David M. Millin, ASA, as a member of the Real Estate Appraisers Commission;

Also,

Teresa Jan Fin, as a member of the Organ Donation Advisory Committee;

Also,

Josephine L. Emerick, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HCS** for **HB 660**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HS** for **HCS** for **HB 488**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

HB 120, with **SCS**, introduced by Representative O'Connor, entitled:

An Act to repeal sections 302.173 and 307.173, RSMo 2000, relating to motor vehicle safety, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Caskey.

SCS for **HB 120**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 120

An Act to repeal sections 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160, 300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 301.010, 301.041, 301.121, 301.131, 301.440, 302.130, 302.173, 302.178, 304.001, 304.015, 304.022, 304.035, 304.180, 304.200, 304.580, 307.173, 307.375, 575.010 and 577.020, RSMo 2000, section 301.130 as enacted by house committee substitute for senate bill no. 3 and senate bill no. 156, first regular session, eighty-eighth general assembly and section 301.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 70, first regular session, eighty-eighth general assembly, relating to motor vehicles, and to enact in lieu thereof thirty-two new sections relating to the same subject, with penalty provisions and an expiration date for a certain section.

Was taken up.

Senator Caskey moved that **SCS** for **HB 120** be adopted.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 120, Page 32, Section 302.178, Line 87, by inserting after all of said line the following:

"302.286. 1. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made. A person found guilty or pleading guilty to stealing pursuant to section 570.030, RSMo, wherein the court found evidence of the theft of motor fuel as described in subdivision (5) of subsection 2 of section 570.030, RSMo, shall have his or her driver's license suspended by the court, beginning on the date of the court's order of conviction.

2. The person shall submit all of his or her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the

department of revenue for administration of such order.

3. Suspension of a driver's license pursuant to this section shall be made as follows:

- (1) For the first offense, suspension shall be for sixty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days of such suspension;**
- (2) For the second offense, suspension shall be for ninety days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty days of such suspension; and**
- (3) For the third or any subsequent offense, suspension shall be for one hundred eighty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first ninety days of such suspension.**

4. At the expiration of the suspension period, and upon payment of a reinstatement fee of twenty-five dollars, the director shall terminate the suspension and shall return the person's driver's license. The reinstatement fee shall be in addition to any other fees required by law, and shall be deposited in the state treasury to the credit of the state highway department fund, pursuant to section 302.228."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 120, Page 32, Section 302.178, Line 87 of said page, by inserting immediately after said line the following:

"301.260. 1. The director of revenue shall issue certificates for all cars owned by the state of Missouri and shall assign to each of such cars two plates bearing the words: "State of Missouri, official car number" (with the number inserted thereon), which plates shall be displayed on such cars when they are being used on the highways. No officer or employee or other person shall use such a motor vehicle for other than official use.

2. Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of sections 301.010 to 301.440 while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of sections 301.010 to 301.440 requiring registration, proof of ownership and display of number plates; provided, however, that there shall be displayed on each side of such motor vehicle, in letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. Provided, further, that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words "School Bus, State of Missouri, car no." (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes.

3. For registration purposes only, a public school or college shall be considered the temporary owner of a vehicle acquired from a new motor vehicle franchised dealer which is to be used as a courtesy vehicle or a driver training vehicle. The school or college shall present to the director of revenue a copy of a lease agreement with an option to purchase clause between the authorized new motor vehicle franchised dealer and the school or college and a photo copy of the front of the dealer's vehicle manufacturer's statement of origin, and shall make application for and be

granted a nonnegotiable certificate of ownership and be issued the appropriate license plates. Registration plates are not necessary on a driver training vehicle when the motor vehicle is plainly marked as a driver training vehicle while being used for such purpose and such vehicle can also be used in conjunction with the activities of the educational institution.

4. As used in this section, the term "political subdivision" is intended to include any township, road district, sewer district, school district, municipality, town or village, **sheltered workshop, as defined in section 178.900, RSMo**, and any interstate compact agency which operates a public mass transportation system."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 120, Pages 16-17, Section 301.121, Lines 1-20, by striking all of said section from the bill; and

Further amend said bill, Pages 17-19, Section 301.130, Lines 1-96, by striking all of said section from the bill; and

Further amend said bill, Pages 19-24, Section 301.130, Lines 1-167, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 120, Page 28, Section 302.130, Line 81, by inserting after all of said line the following:

"302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a [one-dollar] **two-dollar** donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of [one dollar] **two dollars** to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of

the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the [one-dollar] **two-dollar** donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 120, Page 53, Section 577.020, Line 62, by inserting immediately after said line the following:

"Section 1. A towing company as defined in section 304.001, RSMo, shall grant access to insurance personnel for the purposes of inspection, appraisal and photographs of property at no charge and without requiring any surety."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Bill No. 120, Page 49, Section 307.173, Line 45, by inserting after all of said line the following:

"[307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent

decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census certain motor vehicles shall be tested annually to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles;
- (3) Model year vehicles prior to 1971;
- (4) School buses;
- (5) Diesel-powered vehicles;
- (6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area; and
- (7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law. Each official inspection station which conducts safety or emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the safety inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

- (a) With prior inspection and approval as provided in subdivision (2) of this subsection; or
- (b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales

contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivisions shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. In addition to the fee authorized by subsection 5 of section 307.365, a fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. The official emissions inspection station shall issue a certificate of inspection and an approval sticker or seal certifying the emissions system is functioning properly. The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in any city or county described in subsection 1 of this section shall purchase from the highway patrol sufficient forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system. In addition, emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.

9. In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365, the highway patrol shall collect a fee of seventy-five cents for each automobile emissions certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities. All fees collected by the superintendent pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

10. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated on an equal basis to the Missouri state highway patrol and the Missouri department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of sections 307.350 to 307.390. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The superintendent of the Missouri state highway patrol shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the superintendent and the state highways and transportation commission shall use their best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C misdemeanor.]

307.366. 1. This enactment of the emissions inspection program is a mandate of the United States Congress pursuant to the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In any city not within a county, any county of the first classification having a population of over nine hundred thousand inhabitants according to the most recent decennial census, any county of the first classification with a charter form of government and a population of not more than two hundred twenty thousand inhabitants and not less than two hundred thousand inhabitants according to the most recent decennial census, any county of the first classification without a charter form of government with a population of not more than one hundred eighty thousand inhabitants and not less than one hundred seventy thousand inhabitants according to the most recent decennial census and any county of the first classification without a charter form of government with a population of not more than eighty-two thousand inhabitants and not less than eighty thousand inhabitants according to the most recent decennial census certain motor vehicles shall be tested annually to determine that the emissions system is functioning within the emission standards as specified by the Missouri air conservation commission and as required to attain the national health standards for air quality. The motor vehicles to be tested shall be all motor vehicles except those specifically exempted pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350 and those exempted pursuant to this section.

2. The provisions of this section shall not apply to:

- (1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;
- (2) Motorcycles and motortricycles;
- (3) Model year vehicles prior to 1971;
- (4) School buses;
- (5) Diesel-powered vehicles;
- (6) Motor vehicles registered in the area covered by this section but which are based and operated exclusively in an area of this state not subject to the provisions of this section if the owner of such vehicle presents to the director a sworn affidavit that the vehicle will be based and operated outside the covered area;
- (7) New motor vehicles not previously titled or registered prior to the initial motor vehicle registration or the next succeeding registration which is required by law; and

(8) Motor vehicles owned by a person who resides in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census who has chosen to have a biennial motor vehicle registration pursuant to section 301.147, RSMo, and who has completed an emission inspection pursuant to section 643.315, RSMo. Each official inspection station which conducts [safety or] emissions inspections in a city or county referred to in subsection 1 of this section shall indicate the gross vehicle weight rating of the motor vehicle on the [safety] inspection certificate if the vehicle is exempt from the emissions inspection pursuant to subdivision (1) of this subsection.

3. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.550, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of this section either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection.

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established pursuant to this section or by obtaining a waiver pursuant to subsection 6 of this section. A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer shall be inspected and approved within the one hundred twenty days immediately preceding the date of sale, and, for the purpose of registration of such vehicle, such inspection shall be considered timely.

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within ten days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within ten days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or enter into any mutually acceptable agreement with the dealer. A violation of this [subdivisions] **subsection** shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required pursuant to this section for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided pursuant to subsection 2 of section 307.380.

4. [In addition to the fee authorized by subsection 5 of section 307.365,] A fee, not to exceed eight dollars and fifty cents for inspections conducted prior to January 1, 1993, and not to exceed ten dollars and fifty cents for inspections conducted thereafter, as determined by each official emissions inspection station located in any city or county described in subsection 1 of this section, may be charged for an automobile emissions and air pollution control inspection in order to attain the national health standards for air quality. Such fee shall be conspicuously posted on the premises of each such inspection station. [The official emissions inspection station shall issue] A certificate of [inspection and an approval sticker or seal certifying the emissions system is functioning properly] **approval shall be issued, according to the procedures established by the air conservation commission, for each vehicle found to be in compliance with the standards established by the commission.** The certificate or approval issued shall bear the legend: "This cost is mandated by your United States Congress.". No owner shall be charged an additional fee after having corrected defects or unsafe conditions in the automobile's emissions and air pollution control system if the reinspection is completed within twenty consecutive days, excluding Saturdays, Sundays and holidays, and if such follow-up inspection is made by the station making the initial inspection.

5. The air conservation commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which shall be no greater than seventy-five dollars for model year vehicles prior to 1981 and no greater than two hundred dollars for model year vehicles of 1981 and all subsequent model years.

6. An owner whose vehicle fails upon reinspection to meet the emission standards specified by the Missouri air conservation commission shall be issued a certificate of inspection and an approval sticker or seal by the official emissions inspection station that provided the inspection if the vehicle owner furnishes a complete, signed affidavit satisfying the requirements of this subsection and the cost of emissions repairs and adjustments is equal to or greater than the waiver amount established by the air conservation commission pursuant to this section. The air conservation commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval. The waiver form established pursuant to this subsection shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the inspector that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

7. The department of revenue shall require evidence of the inspection and approval required by this section in issuing the motor vehicle annual registration in conformity with the procedure required by sections 307.350 to 307.370.

8. Each emissions inspection station located in any city or county described in subsection 1 of this section shall [purchase from the highway patrol sufficient] **furnish** forms and stickers or other devices to evidence approval of the motor vehicle's emissions control system **according to procedures established by the commission**. [In addition, emissions inspection stations may be required to purchase forms for use in automated analyzers from outside vendors of the inspection station's choice. The forms must comply with state regulations.]

9. [In addition to the fee collected by the superintendent pursuant to subsection 5 of section 307.365,] The [highway patrol] **department of natural resources** shall collect a fee of seventy-five cents for each automobile emissions [certificate issued to the applicable official emissions inspection stations, except that no charge shall be made for certificates of inspection issued to official emissions inspection stations operated by governmental entities] **inspection**. All fees collected by the [superintendent] **department** pursuant to this section shall be deposited in the state treasury to the credit of the "Missouri Air Pollution Control Fund", which is hereby created.

10. The moneys collected and deposited in the Missouri air pollution control fund pursuant to this section shall be allocated [on an equal basis] to the Missouri [state highway patrol and the Missouri] department of natural resources, air pollution control program, and shall be expended subject to appropriation by the general assembly for the administration and enforcement of [sections 307.350 to 307.390] **this section**. The unexpended balance in the fund at the end of each appropriation period shall not be transferred to the general revenue fund, except as directed by the general assembly by appropriation, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to this fund. The moneys in the fund shall be invested by the treasurer as provided by law, and the interest shall be credited to the fund.

11. The [superintendent of the Missouri state highway patrol] **air conservation commission** shall issue such rules and regulations as are necessary to determine whether a motor vehicle's emissions control system is operating as required by subsection 1 of this section, and the [superintendent and the state highways and transportation] commission shall use [their] **its** best efforts to seek federal funds from which reimbursement grants may be made to those official inspection stations which acquire and use the necessary testing equipment which will be required to perform the tests required by the provisions of this section.

12. The provisions of this section shall not apply in any county for any time period during which the air conservation commission has established a motor vehicle emissions inspection program pursuant to sections 643.300 to 643.355, RSMo, for such county, except where motor vehicle owners have the option of biennial testing pursuant to chapter 643, RSMo. In counties where such option is available, the emissions inspection may be conducted in stations conducting only an emissions inspection under contract to the state.

13. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed a class C

misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Bill No. 120, Page 2, Section A, Line 14, by inserting after all of said line the following:

"43.130. 1. The superintendent shall prescribe a distinctive style of uniform and badge for members of the patrol to be made of the material and of the color he specifies, and it shall be unlawful for any person to wear the prescribed uniform or badge, or any distinctive part thereof, except on order of the superintendent. The uniform shall be purchased at the times the superintendent requires, and the superintendent shall fix a uniform allowance for such purpose for each member of the patrol.

2. The members of the patrol shall, at the expense of the state, be furnished with the vehicles, equipment, arms, ammunition, supplies and insignia of office as the superintendent deems necessary, all of which shall remain the property of the state and be strictly accounted for by each member of the patrol. All such vehicles and equipment shall be distinctively marked, and all vehicles used by members of the patrol shall be distinctively lighted at night.

3. Members of the patrol shall wear their uniform and insignia of office at all times when on duty, unless otherwise designated by the superintendent. **Members of the patrol shall wear their uniforms, and be ready to respond to emergencies, at all times when traveling, operating, or riding in a highway patrol vehicle.**"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Gross offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Bill No. 120, Page 25, Section 301.131, Line 50, by inserting immediately after said line the following:

"301.145. Any person who has been awarded the Congressional Medal of Honor may apply for [special] **Congressional Medal of Honor** motor vehicle license plates for any vehicle [he] **the person** owns, either solely or jointly, other than **an apportioned motor vehicle or a commercial** [vehicles weighing over twelve] **motor vehicle licensed in excess of eighteen** thousand pounds[, as provided in this section] **gross weight**. Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof of receipt of the Congressional Medal of Honor as the director may require. The director shall then issue license plates bearing the words "CONGRESSIONAL MEDAL OF HONOR" [in a form prescribed by the advisory committee established in section 301.129, except that]. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. **There shall be no fee charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person.**"; and

Further amend said bill, Page 26, Section 301.440, Line 12, by inserting after all of said line the following:

"301.443. 1. Any legal resident of the state of Missouri who is a veteran of service in the armed forces of the United States and has been honorably discharged from such service and who is a former prisoner of war and any legal resident of the state of Missouri who is a former prisoner of war and who was a United States citizen not in the armed forces of the United States during such time is, upon filing an application for registration together with such information and proof in the form of a statement from the United States Veterans Administration or the Department of Defense or any other form of proof as the director may require, entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 for [a motor] **any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of [twelve] eighteen thousand pounds gross weight. There shall be no fee charged for the first set of license plates issued [under the provisions of] pursuant to this section, but a fee of fifteen dollars in addition to the regular registration fees may be charged for each subsequent set of license plates issued pursuant to this section for each other vehicle owned and titled to such person. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.**

2. [Not more than one certificate of registration and one corresponding set of motor vehicle license plates or other evidence of registration as provided in section 301.130 shall be issued each year to a qualified former prisoner of war under this section.] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person.**

3. Proof of ownership and vehicle inspection of the particular motor vehicle for which a registration certificate and set of license plates is requested must be shown at the time of application. Proof of status as a former prisoner of war as required in subsection 1 of this section shall only be required on the initial application.

4. As used in this section, "former prisoner of war" means any person who was taken as an enemy prisoner during World War I, World War II, the Korean Conflict, or the Vietnam Conflict.

5. The director shall furnish each former prisoner of war obtaining a set of license plates [under the provisions of] **pursuant to** subsections 1 to 4 of this section [special] plates which shall have the words "FORMER P.O.W." on the license plates in preference to the words "SHOW-ME STATE" [as provided in section 301.130 in a form prescribed by the advisory committee established in section 301.129]. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration [at the discretion of the advisory committee established in section 301.129], shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

6. Registration certificates and license plates issued [under the provisions of] **pursuant to** this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified former prisoner of war.

7. (1) Notwithstanding the provisions of subsection 6 of this section to the contrary, the surviving spouse of a former prisoner of war who has not remarried and who has been issued license plates described in subsection 5 of this section shall be entitled to transfer such license plates to the motor [vehicle] **vehicles** of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 **per motor vehicle owned by and titled to such spouse** as if a former prisoner of war until remarriage. There shall be no fee charged for the transfer of such license plates.

(2) The department of revenue shall promulgate rules for the obtaining of a set of license plates described in subsection 5 of this section by the surviving spouse of the former prisoner of war when such license plates are not issued prior to the death of the former prisoner of war. The surviving spouse shall be entitled to receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 **per motor vehicle owned by and titled to such spouse** as if a former prisoner of war until remarriage. There shall be no fee charged for the license plates issued pursuant to this subdivision, **but a fee of fifteen dollars in addition to the regular registration fees may be charged for each subsequent set of license plates issued pursuant to this**

subdivision for each other vehicle owned and titled to such spouse. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

301.445. **1.** Any person who has been awarded the combat infantry badge may apply for [special] **combat infantryman** motor vehicle license plates for any **motor** vehicle such person owns, either solely or jointly, [for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or for a nonlocal property-carrying] **other than an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight not in excess of twelve] in excess of eighteen thousand pounds [as provided in section 301.057] gross weight.** Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat infantry badge as the director may require. **Upon presentation of proof of eligibility,** the director shall then issue license plates bearing the words "COMBAT INFANTRYMAN" in place of the words "SHOW-ME STATE" [in a form prescribed by the director, except that such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration at the discretion of the director, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130]. Such plates shall also bear an image of the combat infantry badge[. There shall be an additional fee charged for each set of special combat infantry badge license plates issued equal to the fee charged for personalized license plates in section 301.144. No more than one set of combat infantry badge license plates shall be issued to a qualified applicant.] **and shall have a common blue and white color scheme and design in a manner prescribed by the director of the department of revenue. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.447. **1.** Any member of the United States Military Service who was stationed on or within three miles of the Hawaiian Island of Oahu on December 7, 1941, during the enemy attack on Pearl Harbor and other related military installations may apply for [special] **Pearl Harbor** motor vehicle license plates for [one] **any motor** vehicle [he] **such person** owns, either solely or jointly, [as provided in this section] **other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and pay [an additional fee equal to the fee charged for personalized license plates in section 301.144 for the issuance of the license plates provided for herein] **a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** Applications for license plates issued [under] **pursuant to this section** shall be accompanied by such proof of eligibility as the director may require.

2. Notwithstanding the provisions of section 301.130, each such license plate shall be embossed with the words "PEARL HARBOR SURVIVOR" at the bottom of the plate [in the form prescribed by the advisory committee established in section 301.129]. Such license plates shall be made with fully reflective material, shall have a white background with a blue and red configuration [at the discretion of the advisory committee established in section 301.129], shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. [Such

plates shall be available for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or to nonlocal property-carrying commercial motor vehicles licensed for a gross weight of six thousand pounds up through and including twelve thousand pounds as provided in section 301.057.]

3. [No more than one set of Pearl Harbor survivor plates shall be issued to a qualified applicant] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued [under] **pursuant to** the provisions of this section shall not be transferable to any other person except as provided herein. Any registered co-owner of a motor vehicle will be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified applicant. Pearl Harbor survivor plates issued [under] **pursuant to** the provisions of this section shall be transferable only to a widow or widower of a Pearl Harbor survivor.

4. The surviving spouse of a person eligible for a license plate pursuant to this section who has not remarried and who has been issued license plates described in this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.448. **1.** Any person who has served and was honorably discharged or currently serves in any branch of the United States armed forces or reserves, the United States Coast Guard or reserve, the United States Merchant Marines or reserve or the Missouri national guard, or any subdivision of any of such services or a member of the United States Marine Corps League may apply for [special] motor vehicle license plates **pursuant to this section for any motor vehicle the person owns**, either solely or jointly, [for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055, or to nonlocal property-carrying] **other than an apportioned motor vehicle or a commercial motor [vehicles] vehicle** licensed [for a gross weight of six thousand pounds up through and including twelve] **in excess of eighteen** thousand pounds [as provided in section 301.057] **gross weight**. Any such person shall make application for the [special] license plates **authorized by this section** on a form provided by the director of revenue and furnish such proof that such person is a member or former member of any such branch of service as the director may require. Upon presentation of the proof of eligibility and annual payment of [the fee required for personalized license plates in section 301.144, and other] **a fifteen dollar fee in addition to the regular registration fees and presentation of documents** which may be required by law, the department shall issue personalized license plates which shall bear the seal, logo or emblem, along with a word or words designating the branch or subdivision of such service for which the person applies. **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** All seals, logos, emblems or special symbols shall become an integral part of the license plate; however, no plate shall contain more than one seal, logo, emblem or special symbol and the design of such plates shall be approved by the [advisory committee established in section 301.129] **director of revenue** and by the branch or subdivision of such service or the Marine Corps League prior to issuing such plates. The plates shall have a white background with a blue and red configuration [at the discretion of the advisory committee established in section 301.129]. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms. [The director of revenue shall not authorize the manufacture of the material to produce such license plates with the individual seal, logo, or emblem until such time he has received one hundred applications for such plates for each branch or subdivision of such service. License plates indicating army reserve, naval reserve, air force reserve, marine corps reserve, coast guard reserve, issued prior to January 1, 1994, will still be in full force and effect until such time the one hundred minimum applications for such branch of service is met.] All license plates issued [under] **pursuant to** this provision must be renewed in accordance with law. License plates issued under the provisions of this section shall not be transferable to any other person, except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed, in the event of the death of the qualified applicant. **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.**

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.451. **1.** Any person who has been awarded the purple heart medal may apply for [special] **purple heart** motor vehicle license plates for any vehicle [he] **such person** owns, either solely or jointly, other than **an apportioned motor vehicle or a commercial [vehicles weighing over twelve thousand pounds] motor vehicle licensed in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof as a recipient of the purple heart medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words "PURPLE HEART" in place of the words "SHOW-ME STATE" [in a form prescribed by the advisory committee established in section 301.129]. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. There shall be [an additional] **a fee of fifteen dollars in addition to the regular registration fees** charged for each set of [special] purple heart license plates [issued equal to the fee charged for personalized license plates], but the additional fee shall only have to be paid once by the qualified applicant at the time of initial application. [No more than two sets of purple heart license plates shall be issued to a qualified applicant.] **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** License plates issued [under] **pursuant to** the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.456. **1.** Any person who has been awarded the military service award known as the "Silver Star" may apply for [special] **silver star** motor vehicle license plates for any **motor** vehicle such person owns, either solely or jointly, [for issuance either to passenger motor vehicles subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying] **other than an apportioned motor vehicle or a commercial motor vehicle licensed [for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057] in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the silver star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof [as determined by the advisory committee established in section 301.129], with the words "SILVER STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the silver star. There shall be [an additional fee] **a fee of fifteen dollars in addition to the regular registration fees** charged for each set of silver star license plates issued pursuant to this section [equal to the fee charged for personalized license plates. No more than one set of silver star license plates shall be issued to a qualified applicant]. **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued [under] **pursuant to** the provisions of this section shall not be transferable to any other person except that any

registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.457. **1.** Any person who served in the Vietnam Conflict and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for [special] **Vietnam veteran** motor vehicle license plates **for any motor vehicle the person owns**, either solely or jointly, [for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055 or for a nonlocal property-carrying] **other than an apportioned motor vehicle or a commercial motor vehicle licensed** [for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly] **in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof of service in the Vietnam Conflict and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility [and annual payment of the fee required for personalized license plates prescribed by section 301.144, and other], **payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents** which may be required by law, the director shall [then] issue license plates bearing letters or numbers or a combination thereof [as determined by the advisory committee established in section 301.129], with the words "VIETNAM VETERAN" in place of the words "SHOW-ME STATE". **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** Such plates shall also bear an image of the Vietnam service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. [No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant.] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.463. The children's trust fund board established in section 210.170, RSMo, may authorize the use of their logo to be incorporated on [multiyear personalized] **motor vehicle** license plates [as provided in this section] **for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.** The license plate shall contain an emblem designed by the board depicting two handprints of a child and the words "Children's Trust Fund" and the children's trust fund logo in preference to the words "SHOW-ME STATE". The license plates shall have a common background and shall bear as many letters and numbers as will fit on the plate without damaging the plate's aesthetic appearance as determined by the director of revenue. Any vehicle owner may annually apply to the board **or director** for the use of the logo. Upon annual application and payment of a twenty-five dollar logo use contribution to the board, the board shall issue to the vehicle owner, without further charge, a "logo use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. **Application for use of**

the logo and payment of the twenty-five dollar contribution may also be made at the time of registration to the director, who shall deposit such contribution in the state treasury to the credit of the children's trust fund. Upon presentation of the annual statement [and], payment of [the fee required for personalized license plates in section 301.144, and other] the regular registration fees and presentation of documents which may be required by law, the department of revenue shall issue a [personalized] license plate described in this section to the vehicle owner. **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** The license plate authorized by this section shall be issued with a design approved by both the board and the director of revenue. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate. A vehicle owner, who was previously issued a plate with [an emblem] **a logo** authorized by this section and who does not provide [an emblem] **a logo** use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the [emblem] **logo**, as otherwise provided by law. Any contribution to the board derived from this section shall be deposited in the state treasury to the credit of the children's trust fund established in section 210.173, RSMo.

301.464. **1.** Any person who served in the Korean War and was honorably discharged from such service may apply for [special] **Korean War** motor vehicle license plates **for any motor vehicle the person owns**, either solely or jointly, [for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055, or for a nonlocal property carrying] **other than an apportioned motor vehicle or a commercial motor vehicle** licensed [for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly] **in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof of service in the Korean War and status as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility [and annual], payment of [the fee required for personalized license plates prescribed by section 301.144, and other] **a fifteen dollar fee in addition to the regular registration fees and presentation of documents** which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] **director of revenue**, with the words "KOREAN WAR VETERAN" in place of the words "SHOW-ME-STATE". **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** Such plates shall also bear an image of the Korean War service medal. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. [No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant.] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person.** License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.465. **1.** Any person who served in World War II and was honorably discharged from such service may apply for [special] **World War II** motor vehicle license plates **for any motor vehicle the person owns**, either solely or jointly, [for issuance either for any passenger motor vehicle subject to the registration fees provided in section 301.055, or for a nonlocal property carrying] **other than an apportioned motor vehicle or a commercial motor vehicle** licensed [for a gross weight of nine thousand one pounds to twelve thousand pounds as provided in section 301.057, whether such vehicle is owned solely or jointly] **in excess of eighteen thousand pounds gross weight.** Any such person shall make application for the [special] license plates on a form provided by the director of revenue and furnish such proof of service in World War II and status as an honorably discharged veteran as the director may require. Upon presentation

of the proof of eligibility [and annual], payment of [the fee required for personalized license plates prescribed by section 301.144, and other] **a fifteen dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the [advisory committee established in section 301.129] director of revenue, with the words "WORLD WAR II VETERAN" in place of the words "SHOW-ME-STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** Such plates shall also bear an image of the World War II service medal, **known as the victory medal.** The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. [No more than one set of special license plates shall be issued pursuant to this section to a qualified applicant.] **There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for motor vehicles owned solely or jointly by such person.** License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3030. 1. Any person may receive special license plates with words and an emblem that denotes respect for human life both before and after birth, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".

2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE" and shall bear the image of a single red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for deposit in the Missouri alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents that may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.

4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of respect life license plates.

5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the Missouri alternatives to abortion support fund at a subsequent time of registration shall be issued new plates that are not respect life license plates, as otherwise provided by law.

6. The director of revenue shall issue samples of respect life license plates to all offices in this state where

vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director describing the license plates, the Missouri alternatives to abortion support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the Missouri alternatives to abortion support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section.

8. There is hereby established in the state treasury the "Missouri Alternatives to Abortion Support Fund". The state treasurer shall credit to and deposit in such fund:

- (1) Moneys that may be required by law to be credited to or deposited in such fund;
- (2) Moneys that may be appropriated to it by the general assembly;
- (3) Other amounts that may be received from general revenue, grants, gifts, bequests, settlements, awards or from federal, state or local sources; and
- (4) Any other sources granted or given for this specific purpose.

9. The state treasurer shall invest moneys in the Missouri alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri alternatives to abortion support fund shall not revert to the credit of general revenue at the end of the biennium.

11. Moneys credited to and deposited in the Missouri alternatives to abortion support fund shall only be used for the purposes authorized pursuant to this section or as otherwise provided by law.

12. Until the amount in the Missouri alternatives to abortion fund exceeds one million dollars, not more than one-half of the money credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

13. The Missouri alternatives to abortion support fund shall be used to provide and promote alternatives to abortion services by grants to, or contracts with, private agencies that are:

- (1) Established and operating primarily to provide alternatives to abortion services and that do not perform or refer for abortions or hold themselves out as performing or referring for abortions;
- (2) Located in this state; and
- (3) Exempt from income taxation pursuant to the United States Internal Revenue Code. Such private agencies may include, by way of example but not of limitation, maternity homes and agencies commonly known and referred to as crisis pregnancy centers.

14. As used in this section, "alternatives to abortion services" means services or counseling offered to a woman with a crisis pregnancy or unplanned pregnancy to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption.

301.3053. 1. Any person who has been awarded the military service award known as the "Distinguished Flying Cross" may apply for Distinguished Flying Cross motor vehicle license plates for any motor vehicle such person owns, either

solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the Distinguished Flying Cross license plates on a form provided by the director of revenue and furnish such proof as a recipient of the Distinguished Flying Cross as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "DISTINGUISHED FLYING CROSS" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the Distinguished Flying Cross.

3. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of Distinguished Flying Cross license plates issued pursuant to this section. [A fee for the issuance of personalized license plates pursuant to section 301.144 shall not be required for plates issued pursuant to this section.] **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.** There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

4. The surviving spouse of a person eligible for a license plate pursuant to this section who has not remarried and who has been issued license plates described in this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3062. 1. Any vehicle owner who is a member of and has obtained an annual emblem-use authorization statement from the American Legion may apply for American Legion license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The American Legion hereby authorizes the use of their official emblem to be affixed on [multiyear] personalized license plates as provided in this section. Any vehicle owner may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the American Legion, the American Legion shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented to the department of revenue at the time of registration of a motor vehicle.

3. Upon presentation of the annual statement and payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of other documents which may be required by law, the department of revenue shall issue a personalized license plate to the vehicle owner, which shall bear the emblem of the American Legion **and the words "AMERICAN LEGION" in place of the words "SHOW-ME STATE"** in a form prescribed by the director. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. [A fee for the issuance of personalized license plates issued pursuant to section 301.144 shall not be required for plates issued pursuant to this section.] **Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.**

4. A vehicle owner, who was previously issued a plate with the American Legion emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the American Legion emblem, as otherwise provided by law.

5. The director of revenue may promulgate rules and regulations for the administration of this section. No rule or

portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

6. The surviving spouse of a person eligible for a license plate pursuant to this section who has not remarried and who has been issued license plates described in this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3075. 1. Any person who has been awarded the military service award known as the "bronze star" may apply for bronze star motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight.

2. Any such person shall make application for the bronze star license plates on a form provided by the director of revenue and furnish such proof as a recipient of the bronze star as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director with the words "BRONZE STAR" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the bronze star.

3. If the person has been awarded a bronze star with a "V" for valor device on the medal, then the director of revenue shall issue plates bearing the letter "V" in addition to the words and images required by this section. Such letter "V" shall be placed on the plate in a conspicuous manner as determined by the director.

4. There shall be a fifteen-dollar fee in addition to the regular registration fees charged for each set of bronze star license plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

5. The surviving spouse of a person eligible for a license plate pursuant to this section who has not remarried and who has been issued license plates described in this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3076. 1. Any person who has been awarded the combat medic badge may apply for combat medic motor vehicle license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates on a form provided by the director of revenue and furnish such proof as a recipient of the combat medic badge as the director may require. Upon presentation of proof of eligibility, the director shall then issue license plates bearing the words "COMBAT MEDIC" in place of the words "SHOW-ME STATE", except that such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive. Such plates shall also bear an image of the combat medic badge. There shall be a fee of fifteen dollars in addition to the regular registration fees charged for plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned

solely or jointly by such person. License plates issued pursuant to the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3077. 1. Any person who served in the military operation known as Desert Storm or Desert Shield and either currently serves in any branch of the United States armed forces or was honorably discharged from such service may apply for Desert Storm or Desert Shield motor vehicle license plates, for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. Any such person shall make application for the license plates authorized by this section on a form provided by the director of revenue and furnish such proof of service in Desert Storm or Desert Shield and status as currently serving in a branch of the armed forces of the United States or as an honorably discharged veteran as the director may require. Upon presentation of the proof of eligibility, payment of a fifteen-dollar fee in addition to the regular registration fees and presentation of documents which may be required by law, the director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the director, with the words "GULF WAR VETERAN" in place of the words "SHOW-ME STATE". Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. Such plates shall also bear an image of the southwest Asia service medal awarded for service in Desert Storm or Desert Shield. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section is issued for vehicles owned solely or jointly by such person. License plates issued pursuant to this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle may operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person.

2. The surviving spouse of a person eligible for a license plate pursuant to subsection 1 of this section who has not remarried and who has been issued license plates described in subsection 1 of this section shall be entitled to transfer such license plates to the motor vehicles of the surviving spouse and receive annually one certificate of registration and one set of license plates or other evidence of registration as provided in section 301.130 per motor vehicle owned by and titled to such spouse as if such spouse was eligible for such plates pursuant to subsection 1 of this section, until such spouse remarries. There shall be no fee charged for the transfer of such license plates.

301.3087. 1. Owners or a joint owner of motor vehicles who are residents of the state of Missouri, and who are clergypersons or members of the clergy, upon application accompanied by an ecclesiastical endorsement as prescribed in this section, complying with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of a fee as prescribed in this section, shall be issued license plates for any motor vehicle other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. In addition, upon such set of license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the word "CLERGY" in addition to a combination of letters and numbers. Such license plates shall be made with fully reflective material, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. Applications for license plates issued pursuant to this section shall be made to the director of revenue and shall be accompanied by an ecclesiastical endorsement as provided in this section. Any person who is lawfully in possession of such plates who resigns, is removed, or otherwise terminates or is terminated as a clergyperson or

member of the clergy shall return such plates to the director within fifteen days.

3. A fee of fifteen dollars in addition to the regular registration fees shall be paid to the director of revenue for the issuance of the license plates provided for in this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. There shall be no limit on the number of license plates any person qualified pursuant to this section may obtain so long as each set of license plates issued pursuant to this section are issued for vehicles owned solely or jointly by such person.

4. As used in this section, the term "clergyperson" or "member of the clergy" refers to individuals who are duly ordained, commissioned, or licensed by a religious body constituting a church or church denomination; who are given the authority to conduct religious worship, perform sacerdotal functions and administer ordinances or sacraments according to the prescribed tenets and practices of that church or denomination; and who possess current ecclesiastical endorsement from the official endorsing agency of the religious body. "Ecclesiastical endorsement" shall mean a written official statement of competent authority that the individual's church or church denomination certifies that the individual is qualified to represent the church or church denomination for purposes of ministry."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Gross assumed the Chair.

Senator Steelman offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Bill No. 120, Page 2, Section A, Line 14, by inserting immediately after said line the following:

"43.153. 1. A "Highway Patrol Oversight Commission" is hereby created, which shall review and evaluate the laws and general orders relating to public complaints, internal grievances and discipline of officers of the Missouri state highway patrol, review procedures to recruit and retain women and minority officers and troopers, and make recommendations on further action or legislative remedies, if any, to be taken as necessary.

2. The commission shall be composed of six members to serve until January 1, 2003, three of whom shall be appointed by the president pro tem of the senate and three of whom shall be appointed by the speaker of the house, including:

- (1) A representative of a national organization that represents the interests of troopers;**
- (2) A POST-certified instructor;**
- (3) An attorney with experience with administrative law procedure and practice;**
- (4) A person with human resources experience in private industry or commerce;**
- (5) A member of the house of representatives; and**
- (6) A member of the senate.**

3. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses

incurred in the performance of their official duties for the commission.

4. The office of administration shall provide funding, administrative support, and staff for the effective operation of the commission.

5. The commission shall make a report to the governor and the general assembly by January 1, 2003."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion failed.

Senator Caskey moved that **SCS** for **HB 120**, as amended, be adopted, which motion prevailed.

Senator Caskey was recognized to close.

President Pro Tem Kinder referred **SCS** for **HB 120**, as amended, to the Committee on State Budget Control, which placed the bill on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HJR 7**, with **SCS**; **HB 249**, with **SCS**; and **HS** for **HB 882**, with **SCS**, to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 304** and grants the Senate a conference thereon.

The Speaker of the House has appointed the following committee to act with a like committee from the Senate.
Representatives: Monaco, Smith, Willoughby, Ridegway and Burcham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 205, 323 and 549** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **SCS** for **HCS** for **HBs 144 and 46** and has taken up and passed **CCS No. 2** for **SS** for **SCS** for **HCS** for **HBs 144 and 46**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report No. 2 on **SS** for **SCS** for **HCS** for **HB 567** and requests a further conference on **SS** for **SCS** for **HCS** for **HB 567**.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate grant the House a further conference on **SS** for **SCS** for **HCS** for **HB 567**, as amended, which motion prevailed.

Senator Caskey moved that the Senate refuse to concur in **HCS** for **SB 274** and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, and further that the conferees be allowed to exceed the differences on county employees, which motion prevailed.

Senator Childers moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HBs 205, 323 and 549** and grant the House a conference thereon, which motion prevailed.

Senator Kenney, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HBs 144 and 46**, submitted the following con-ference committee report:

CONFERENCE COMMITTEE REPORT NO. 2 ON
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 144 and 46

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 & 46, with Senate Amendments Nos. 1 and 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 & 46, as amended;
- 2. That the House recede from its position on House Committee Substitute for House Bills Nos. 144 & 46;
- 3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 144 & 46 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Bill Kenney
/s/ Ronnie DePasco
/s/ Jim Mathewson
/s/ Bill Foster
/s/ David Klarich

FOR THE HOUSE:

/s/ Matt Bartle
/s/ Connie Cierpiot
/s/ Ralph Monaco
/s/ Dennis Bonner
/s/ Randall Relford

Senator Kenney moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Schneider--2		

Absent with leave--Senator Carter-- 1

On motion of Senator Kenney, **CCS No. 2** for **SS** for **SCS** for **HCS** for **HBs 144** and **46**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

NO. 2 FOR SENATE SUBSTITUTE

FOR SENATE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR HOUSE BILLS NOS. 144 and 46

An Act to repeal sections 32.056, 575.230 and 577.020, RSMo, relating to public safety, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Bland-- 1

Absent with leave--Senator Carter-- 1

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 304**: Senators Klarich, Gibbons, Steelman, House and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HBs 205, 323** and **549**: Senators Childers, Foster, Westfall, Johnson and Caskey.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 567**, as amended: Senators Klarich, Loudon, Westfall, Dougherty and Wiggins.

On motion of Senator Kenney, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **HS** for **HB 381**, with **SCS**, **SS** for **SCS** and **SA 12** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 12 was again taken up.

Senator DePasco moved that the above amendment be adopted, which motion failed.

Senator Steelman offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 7, Section 149.203.2, Line 6, by inserting after "149.215" the following: "or 196.1000 to 196.1003".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 4, Section 149.015, Line 29, by inserting immediately after said line the following new section:

"Section 149.195. Notwithstanding the provisions of section 149.192 to the contrary, beginning January 1, 2002, any city, county, town, village or municipality of this state may impose a tax on the sale of cigarettes of two and one-half mills, and a tax on smokeless tobacco products offered for sale of five cents for the purpose of providing funding for tobacco education and youth smoking cessation programs pursuant to section 407.933, RSMo. The governing body of such political subdivisions may authorize such tax by submitting the question to the qualified voters of such political subdivision. In the event a majority of the qualified voters approve such tax it shall be levied, collected and distributed to the political subdivision in the same manner as other taxes on cigarettes and smokeless tobacco products imposed pursuant to chapter 149, RSMo."; and

Further amend said bill, title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

A quorum was established by the following vote:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		

Absent--Senators

Childers	Gibbons	Goode	Mathewson
Quick	Scott	Staples--7	

Absent with leave--Senator Carter--1

SA 14 was again taken up.

Senator DePasco moved that the above amendment be adopted.

Senator Loudon requested a roll call vote be taken on the adoption of **SA 14** and was joined in his request by Senators DePasco, Mathewson, Westfall and Wiggins.

SA 14 failed of adoption by the following vote:

	YEAS--Senators		
Bland	DePasco	Dougherty	House
Singleton--5			
	NAYS--Senators		
Bentley	Caskey	Cauthorn	Childers
Foster	Gross	Jacob	Johnson
Kenney	Kinder	Klindt	Loudon
Mathewson	Rohrbach	Russell	Scott
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--22		
	Absent--Senators		
Gibbons	Goode	Klarich	Quick
Schneider	Staples--6		
	Absent with leave--Senator Carter--1		

Senator Loudon offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 14, Section 407.933, Line 22, by deleting the words ", attempt to purchase" on said line.

Senator Loudon moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 15** and was joined in his request by Senators Mathewson, Sims, Singleton and Wiggins.

At the request of Senator Loudon, **SA 15** was withdrawn.

Senator DePasco offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 7, Section 149.212, Lines 23-29, by deleting all of said lines.

Senator DePasco moved that the above amendment be adopted.

Senator Gross assumed the Chair.

A quorum was established by the following vote:

	Present--Senators		
Bentley	Bland	Caskey	Cauthorn
DePasco	Foster	Gibbons	Gross

House	Jacob	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Scott
Sims	Westfall	Wiggins	Yeckel--24
	Absent--Senators		
Childers	Dougherty	Goode	Johnson
Russell	Singleton	Staples	Steelman
Stoll--9			
	Absent with leave--Senator Carter--1		

SA 6 was again taken up.

Senator DePasco moved that the above amendment be adopted, which motion failed.

President Maxwell assumed the Chair.

Senator Singleton offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 381, Page 15, Section 407.934, Line 12, by deleting all said line following period "." and further deleting all of lines 13-16.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

A quorum was established by the following vote:

	Present--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Kenney	Klarich
Loudon	Rohrbach	Russell	Sims
Westfall	Wiggins	Yeckel--19	
	Absent--Senators		
DePasco	Goode	Jacob	Johnson
Kinder	Klindt	Mathewson	Quick
Schneider	Scott	Singleton	Staples
Steelman	Stoll--14		
	Absent with leave--Senator Carter--1		

Senator Kenney moved that **SS** for **SCS** for **HS** for **HB 381**, as amended, be adopted.

Senator Loudon requested a roll call vote be taken on the adoption of **SS** for **SCS** for **HS** for **HB 381**, as amended, and was joined in his request by Senators Rohrbach, Klarich, Kenney and Mathewson.

SS for **SCS** for **HS** for **HB 381**, as amended, was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Jacob	Kenney
Kinder	Klindt	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Steelman	Westfall	Wiggins--23	

	NAYS--Senators		
DePasco	Klarich	Loudon	Schneider
Stoll	Yeckel--6		
	Absent--Senators		
Goode	Johnson	Singleton	Staples--4
	Absent with leave--Senator Carter--1		

On motion of Senator Kenney, **SS** for **SCS** for **HS** for **HB 381**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Gross	House	Jacob	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Steelman	Stoll	Westfall
Wiggins--25			

	NAYS--Senators		
DePasco	Loudon	Schneider	Yeckel--4
	Absent--Senators		
Goode	Johnson	Singleton	Staples--4
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 498** and has taken up and passed **SCS** for **HB 498**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCR 5**, as amended, and has taken up and passed **SS** for **HCR 5**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SAs 1, 4, 8, 9, 14, 15** to **HS** for **HCS** for **HB 425** and has taken up and passed **HS** for **HCS** for **HB 425**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 267** and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 267**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 151**.
Representatives: Gaskill, Luetkemeyer, Ward, Luetkenhaus and Liese.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **HCS** for **HBs 205, 323** and **549**. Representatives: Relford, Barnitz, Crump, Legan and Jetton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS** for **SCS** for **HCS** for **HB 567**, as amended. Representatives: Nordwald, Crawford, Treadway, Johnson 90 and Shoemyer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **SS** for **SCS** for **HCS** for **HB 567**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 567**, as amended by the conference committee report.

Emergency clause adopted.

CONFERENCE COMMITTEE REPORTS

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 567**, as amended, submitted the following conference committee report no. 3:

CONFERENCE COMMITTEE REPORT NO. 3 ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 567

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10, Senate Amendment No. 15 and Senate Amendment No. 16, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 567;
3. That the attached Conference Committee Amendment No. 1 to Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, be adopted;
4. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567 with Conference Committee Amendment No. 1, be adopted.

FOR THE SENATE:

/s/ David Klarich
/s/ John Loudon
/s/ Morris Westfall
/s/ Pat Dougherty
/s/ Harry Wiggins

FOR THE HOUSE:

Charles Nordwald
/s/ Larry Crawford
/s/ Joseph L. Treadway
/s/ Rick Johnson
/s/ Wes Shoemyer

CONFERENCE COMMITTEE AMENDMENT

NO. 1

Amend Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 567, Pages 64 and 65, Section 324.1100, by deleting all of said section; and

Further amend said bill, Pages 65 and 66, Section 324.1101, by deleting all of said section; and

Further amend said bill, Pages 66 to 68, Section 324.1102, by deleting all of said section; and

Further amend said bill, Page 68, Section 324.1104, by deleting all of said section; and

Further amend said bill, Pages 68 to 70, Section 324.1106, by deleting all of said section; and

Further amend said bill, Pages 70 and 71, Section 324.1108, by deleting all of said section; and

Further amend said bill, Pages 71 and 72, Section 324.1110, by deleting all of said section; and

Further amend said bill, Pages 72 and 73, Section 324.1112, by deleting all of said section; and

Further amend said bill, Pages 74 and 75, Section 324.1114, by deleting all of said section; and

Further amend said bill, Pages 75 and 76, Section 324.1116, by deleting all of said section; and

Further amend said bill, Pages 76 and 77, Section 324.1118, by deleting all of said section; and

Further amend said bill, Pages 77 and 78, Section 324.1120, by deleting all of said section; and

Further amend said bill, Page 78, Section 324.1122, by deleting all of said section; and

Further amend said bill, Pages 78 and 79, Section 324.1124, by deleting all of said section; and

Further amend said bill, Pages 79 to 81, Section 324.1126, by deleting all of said section; and

Further amend said bill, Pages 81 to 83, Section 324.1128, by deleting all of said section; and

Further amend said bill, Page 83, Section 324.1130, by deleting all of said section; and

Further amend said bill, Pages 83 to 85, Section 324.1132, by deleting all of said section; and

Further amend said bill, Page 85, Section 324.1134, by deleting all of said section; and

Further amend said bill, Page 85, Section 324.1136, by deleting all of said section; and

Further amend said bill, Pages 85 and 86, Section 324.1138, by deleting all of said section; and

Further amend said bill, Pages 86 and 87, Section 324.1140, by deleting all of said section; and

Further amend said bill, Page 157, Section 327.603, Lines 13 and 14 of said page, by deleting all of said lines and inserting in lieu thereof the following: "subdivisions while performing duties for the state of Missouri or a political subdivision"; and

Further amend said bill, Pages 267 to 270, Section 621.045, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Klarich moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Goode	Johnson	Scott	Singleton
Staples--5			
Absent with leave--Senator Carter--1			

On motion of Senator Klarich, **CCS** for **SS** for **SCS** for **HCS** for **HB 567**, as amended by the conference committee report, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 567

An Act to repeal sections 109.120, 109.241, 167.181, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070, 209.251, 214.275, 214.276, 214.367, 214.392, 256.459, 324.083, 324.086, 324.177, 324.212, 324.217, 324.243, 324.522, 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210, 326.230, 327.011, 327.031, 327.041, 327.081, 327.131, 327.314, 327.381, 327.600,

327.603, 327.605, 327.607, 327.609, 327.612, 327.615, 327.617, 327.621, 327.623, 327.625, 327.627, 327.629, 327.630, 327.631, 329.010, 329.040, 329.050, 329.085, 329.190, 329.210, 331.050, 331.090, 332.072, 332.311, 334.021, 334.047, 334.625, 334.749, 334.870, 334.880, 334.890, 337.612, 337.615, 337.618, 337.622, 338.030, 338.043, 338.055, 338.210, 338.220, 338.285, 338.353, 339.090, 345.080, 620.010 and 621.045, RSMo 2000, relating to the division of professional registration, and to enact in lieu thereof one hundred sixty new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
NAYS--Senators--None			
Absent--Senators			
Goode	Johnson	Quick	Scott
Singleton	Staples--6		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Goode	Jacob	Johnson	Quick
Scott	Singleton	Staples--7	
Absent with leave--Senator Carter--1			

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Westfall, **HB 163** was placed on the Informal Calendar.

At the request of Senator Wiggins, **HB 471**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bentley, **HB 626**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Gross, **HB 185**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klarich, **HCS** for **HB 738** was placed on the Informal Calendar.

HCS for **HBs 441, 94** and **244** was placed on the Informal Calendar.

At the request of Senator Steelman, **HB 453**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Klindt, **HCS** for **HB 581**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Yeckel, **HB 133**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Caskey, **HCS** for **HB 241**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Sims, **HS** for **HCS** for **HBs 328** and **88**, with **SCS**, was placed on the Informal Calendar.

HB 70, with **SCA 1**, was placed on the Informal Calendar.

At the request of Senator Mathewson, **HB 678**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator House, **HB 769** was placed on the Informal Calendar.

At the request of Senator Rohrbach, **HB 621**, with **SCA 1**, was placed on the Informal Calendar.

HB 262, with **SCAs 1** and **2**, was placed on the Informal Calendar.

At the request of Senator Cauthorn, **HB 219**, with **SCS**, was placed on the Informal Calendar.

MISCELLANEOUS

Remarks by President Pro Tem Peter Kinder honoring former President Pro Tem Edward E. Quick at the hanging of his portrait on the Wall of the Presidents Pro Tem. Remarks were also made by Senators Scott and Mathewson.

Our ceremony today concerns the placement of a portrait in what I believe is one of the most distinguished galleries in our state. This Wall of the Presidents Pro Tem carries the images of men for whom I have always had great respect. Some of these men I know but by reputation. Others are those with whom I have served here in this chamber. I respect each of them. And I can tell you, that in the last four months, my respect for these men has grown more than anyone who is not on that wall can imagine.

The Wall of the Presidents Pro Tem is an important part of this chamber. Of course, it is also the subject of wit by our venerable Senate wags. One of them observed that the difference between earning a place on this wall and a lynching is that in the case of this wall, the pain comes before the hanging.

Be that as it may, these are great Senators who have earned their place on this wall, and in the history of this state. They are great servants to their constituents and to all citizens of Missouri. In addition to their own citizens, they have served what may be the state's toughest constituency: the Senate itself.

Today, we honor a president pro tem with whom I have worked in a way that neither of us probably ever expected. He and I are the only two men in the history of this state to have served as pro tem and co-pro tem. Together we faced a fundamental challenge that has faced no other Senate. We worked together, at the behest of our respective caucuses, and we worked to keep the Senate going while the voters were able to have a final say in the makeup of this chamber.

We did not always agree, but we never deeply disagreed. Through it all, he was an honorable man and conducted himself in a way that put the best interests of the Senate ahead of his own interests. That is the mark of a good leader.

I have never served as Senate Majority Floor Leader. I have never served as Senate Minority Floor Leader. I have served as Senate President Pro Tem. The Senator we honor here today is, to my knowledge, the only Senator to have served this body in all three of those leadership positions. In each, this Senator has proved he is a worthy leader and an honorable colleague. He is a true Senator and is deserving of the place of honor this body has assured him on the Wall of the Presidents Pro Tem.

Ladies and Gentlemen: the portrait of the Senator from Clay, Senator Ed Quick.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **HB 436**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 835, 90, 707, 373, 641, 510, 516** and **572**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 555**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **HS** for **HB 349**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Kenney, the Senate recessed for 10 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Steelman.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Klindt, Chairman of the Select Committee on Redistricting, Senator Kenney submitted the following report:

Mr. President: Your Select Committee on Redistricting, to which was referred **HS** for **HCS** for **HB 1000**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 790, regarding the Sixty-Fifth Wedding Anniversary of Mr. and Mrs. Virgil Ham, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 791, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Bucholz, Independence, which was adopted.

Senator Gross offered Senate Resolution No. 792, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Billie J. Ogden, Jr., St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 793, regarding Mary Helen Potchen, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 794, regarding Katie Kalinowski, St. Charles County, which

was adopted.

Senators Gross and House offered Senate Resolution No. 795, regarding the City of O'Fallon, which was adopted.

Senators Gross and House offered Senate Resolution No. 796, regarding the St. Charles County Symphony, which was adopted.

Senators Gross and House offered Senate Resolution No. 797, regarding Jake Rast, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 798, regarding the Lewis and Clark Fife and Drum Corps of St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 799, regarding Jack LeBeau, St. Charles County, which was adopted.

Senator Foster offered Senate Resolution No. 800, regarding Mike Wood, which was adopted.

Senator Yeckel offered Senate Resolution No. 801, regarding Paul Gerard Pontious, St. Louis County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Quick introduced to the Senate, Senator Charles Ford, Betty Price, Willis Wheat, Ed Cook, Paul Meyer and Lou Kerr, Oklahoma.

Senator Loudon introduced to the Senate, Brent, Bev, Craig and Emma Stewart, Fenton.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Monday, May 14, 2001.

SENATE CALENDAR

SEVENTY-SECOND DAY-MONDAY, MAY 14, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334

& 228-Kinder (In Budget Control) SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS HOUSE BILLS ON THIRD READING

1. HS for HCS for HB 107-

Clayton, with SCS

(Klarich)

(In Budget Control)

2. HCS for HB 50, with

SCS (Stoll)

(In Budget Control)

3. HCS for HBs 754, 29,

300 & 505

(Bentley)

(In Budget Control)

4. HB 501-Bowman, et al,

with SCS (Steelman)

(In Budget Control)

5. HS for HCS for HB 824-Abel

(Mathewson) (In Budget Control)

6. HS for HCS for HBs 924,

714, 685, 756, 734 &

518-Wiggins,

with SCS (Mathewson)

(In Budget Control)

7. HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

8. HS for HCS for HB 327-

Rizzo, with SCS (Quick)

(In Budget Control)

9. HS for HB 736-Liese,

with SCS (Yeckel)

(In Budget Control)

10. HCS for HB 780, with

SCS (Kenney)

(In Budget Control)

11. HCS for HJR 7, with

SCS (Staples) (In Budget Control)

12. HS for HB 882-Crump,

with SCS (Singleton)

(In Budget Control)

13. HB 249-Treadway, with

SCS

(In Budget Control)

14. HCS for HB 660, with

SCS (Stoll)

15. HS for HCS for HB 488-

Koller, with SCS

(Childers)

16. HB 436-Merideth,

et al, (Childers)

17. HS for HCS for HBs

835, 90, 707, 373,

641, 510, 516 &

572-Britt, with SCS

(Caskey)

18. HS for HB 555-Foley,

with SCS

19. HS for HB 349-Hosmer,

with SCS (Sims)

20. HS for HCS for

HB 1000-Hosmer,

with SCS (Klindt) INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1 (pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,

with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al, with SCS

SB 583-Yeckel

SB 586-Klindt, with SCS &

SA 2 (pending)

SB 593-Klindt, with SCS

SJR 11-Yeckel

HOUSE BILLS ON THIRD READING

HB 70-Koller, with SCA 1

(Staples)

HB 80-Ross, with SCS &

SA 9 (pending) (Kenney)

SCS for HB 120-O'Connor

(Caskey)

(In Budget Control)

HB 133-Gambaro, with SCS

(Yeckel)

HB 163-Berkowitz and

Wagner (Westfall)

HB 185-Legan, et al, with
SCS (Gross)

HB 219-Townley, et al,
with SCS (Cauthorn)

HCS for HB 241, with SCS
(Caskey)

HB 262-Linton, et al,
with SCAs 1 & 2 (Klarich)

HB 285-Riback Wilson,
et al, with SS, SS for

SS, SA 8 & point of
order (pending) (Jacob)

HS for HCS for HBs 328 &
88-Harlan, with SCS

(Sims)

HB 385-Franklin, with SCS,
SS for SCS & SA 8

(pending) (Foster)

HCS for HBs 441, 94 & 244
(Johnson)

HB 444-Kreider, et al,
with SCA 1 (Wiggins)

HB 453-Ransdall, et al,
with SCS (Steelman)

HB 471-Jolly, et al, with
SCS (Wiggins)

HB 544-Holand and
Treadway, with SA 1

(pending) (Bentley)

HCS for HB 581, with SCS

(Klindt)

HB 621-Gratz and Vogel,

with SCA 1 (Rohrbach)

HB 626-Hosmer, with SCS

(Bentley)

HB 662-Green (73) and St. Onge,

with SCS & SA 2

(pending) (Foster)

HB 678-Seigfreid, with

SCS (Mathewson)

HCS for HB 738 (Klarich)

HS for HCS for HB 762-

Barry, with SCS, SS

for SCS, SA 8 & SSA 1

for SA 8 (pending)

(Sims and Stoll)

HB 769-Harlan (House)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with

SS, SA 1 & point of

order (pending) (Yeckel)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al

(Stoll) SENATE BILLS WITH HOUSE AMENDMENTS

SB 307-Jacob, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SCS for SB 151-Childers, with HCS

(Further conference granted)

SS for SB 193-Rohrbach,

with HCS, as amended

(Senate offered CCR)

SB 304-Klarich, with HCS

SB 319-Carter, with HCS,

as amended

SS for SCS for SBs 323 &

230-Childers, with HS,

as amended

(Senate adopted CCR

and passed CCS)

SB 462-Westfall, with HCS,
as amended

SB 610-Westfall, with HCS
HCS for HBs 205, 323 &
549, with SCS (Childers)
HCS for HBs 302 & 38,
with SCS, as amended
(Westfall)

HS for HB 421-Hoppe, with
SS for SCS, as amended
(Kinder) Requests to Recede or Grant Conference

SB 274-Caskey, with HCS
(Senate requests House
recede or grant conference)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3
& SSA 1 for SA 3 (pending)
Reported from Committee
SCR 8-Caskey, with SA 2
(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

SCR 33-Westfall

HCR 14-Koller (Staples)

HCR 22-Barnitz

HCR 23-Holand

HCR 12-Haywood (Goode)

HS for HCR 25-Graham

(Jacob) Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SECOND DAY--MONDAY, MAY 14, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"(O LORD,) you hem me in, behind and before, and lay your hand upon me." (Psalm 139:5)

O Lord our God, You know all our deeds and thoughts intimately. So lay now Your hand upon us and fill us with the knowledge of Your grace-filled presence so that we, in turn, may share this miracle of grace with others who feel the stressors and tensions and short tempers as we do. Bless us with Your peace and grace this week because You surely know we will need it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Kenney moved that the Journal for Friday, May 11, 2001, be corrected on Page 1305, Column 1, Line 6, by deleting "**SA 6**" and inserting in lieu thereof "**SA 16**", which motion prevailed.

The Journal for Friday, May 11, 2001, was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1
The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 802, regarding Timothy A. Byrd, Chesterfield, which was adopted.

Senator Schneider, joined by the entire membership of the Senate, offered Senate Resolution No. 803, regarding Joan Gummels, Jefferson City, which was adopted.

Senator Johnson offered Senate Resolution No. 804, regarding the One Hundred Fiftieth Anniversary of Christ Episcopal Church, St. Joseph, which was adopted.

Senator Schneider offered Senate Resolution No. 805, regarding Bob Russell, Bellefontaine Neighbors, which was

adopted.

CONCURRENT RESOLUTIONS

Senator Staples moved that **HCR 14** be taken up for adoption, which motion prevailed.

On motion of Senator Staples, **HCR 14** was adopted by the following vote:

YEAS--Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Bentley	Bland	Jacob	Loudon--4
Absent with leave--Senator Carter--1			

Senator Goode moved that **HCR 12** be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **HCR 12** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Mathewson	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senator Rohrbach--1

Absent--Senators

Bland	Jacob	Loudon--3
Absent with leave--Senator Carter--1		

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HB 107**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

REFERRALS

President Pro Tem Kinder referred **HS** for **HB 555**, with **SCS**; **HS** for **HB 349**, with **SCS**; and **HS** for **HCS** for **HBs 835, 90, 707, 373, 641, 510, 516** and **572**, with **SCS**, to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HS for HCS for HB 107, with SCS, entitled:

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up by Senator Klarich.

SCS for HS for HCS for HB 107, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 107

An Act to repeal section 537.675, RSMo 2000, relating to judicial and administrative procedures, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS for HS for HCS for HB 107** be adopted.

Senator Dougherty offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 107, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"476.777. 1. There is hereby established in the state treasury a special fund, to be known as the "Missouri CASA Fund". The state treasurer shall credit to and deposit in the Missouri CASA fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources, in addition to any moneys deposited pursuant to section 488.636. The general assembly may appropriate moneys into the fund to support the court-appointed special advocate (CASA) program throughout the state.

2. The state treasurer shall invest moneys in the Missouri CASA fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the fund shall be credited to the Missouri CASA fund.

3. The state courts administrator shall administer and disburse moneys in the Missouri CASA fund based on the following require-ments:

(1) The office of state courts administrator shall set aside funding for new start-up CASA programs throughout the state;

(2) Every recognized CASA program shall receive a base rate allocation, with availability of additional funding based on the number of children with abuse or neglect cases under the jurisdiction of the court; and

(3) All CASA programs being considered for funding shall be recognized by and affiliated with the state and national CASA associations.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri CASA fund shall not revert to the credit of the general revenue fund at the end of the biennium.

488.636. In addition to all other court costs for domestic relations cases, the circuit clerk shall collect an additional surcharge in the amount of two dollars per case for each domestic relations petition filed before a circuit judge or associate circuit judge. Such surcharges collected by circuit court clerks shall be collected and disbursed as provided by sections 488.010 to 488.020. Such fees shall be payable to the state treasurer, to be deposited into the Missouri CASA fund."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SCS** for **HS** for **HCS** for **HB 107**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **HS** for **HCS** for **HB 107**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Rohrbach--1			
Absent--Senators			
Jacob	Mathewson	Scott	Staples--4
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 163, introduced by Representatives Berkowitz and Wagner, entitled:

An Act to repeal section 43.265, RSMo 2000, relating to the highway patrol's motor vehicle and aircraft revolving fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Westfall.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 163, Page 1, Section A, Line 2, by inserting after all of said line the following:

"43.130. 1. The superintendent shall prescribe a distinctive style of uniform and badge for members of the patrol to be made of the material and of the color he specifies, and it shall be unlawful for any person to wear the prescribed uniform or badge, or any distinctive part thereof, except on order of the superintendent. The uniform shall be purchased at the times the superintendent requires, and the superintendent shall fix a uniform allowance for such purpose for each member of the patrol.

2. The members of the patrol shall, at the expense of the state, be furnished with the vehicles, equipment, arms, ammunition, supplies and insignia of office as the superintendent deems necessary, all of which shall remain the property of the state and be strictly accounted for by each member of the patrol. All such vehicles and equipment shall be distinctively marked, and all vehicles used by members of the patrol shall be distinctively lighted at night.

3. Members of the patrol shall wear their uniform and insignia of office at all times when on duty, unless otherwise designated by the superintendent. **Members of the patrol shall wear their uniforms, and be ready to respond to emergencies, at all times when traveling, operating, or riding in a highway patrol vehicle.**"; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Singleton offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 163, Page 1, Section A, Line 2, by inserting after all of said line the following:

"43.150. 1. After a probation period of one year the members of the patrol shall be subject to removal, reduction in rank or suspension of more than three days only for cause after a formal charge has been filed in writing before or by the superintendent and upon a finding by a majority of a board of six members randomly selected from troops or divisions other than that of the accused. The board shall be composed of six unbiased members including one nonvoting captain, one sergeant and four members of the same rank as the accused member. The randomly selected captain shall serve as presiding officer at the hearing. Within thirty days after the petition is filed, unless the accused consents to an extension of time, the board shall conduct a hearing and report to the superintendent the finding by the majority of the board, whether the charges are true and what discipline, if any, should be imposed. All lawful rules, regulations, and orders of the superintendent shall be obeyed by the members of the patrol who shall be subject to dismissal as provided or to one or more of the following:

- (1) Suspension not to exceed thirty days;
- (2) Fine;
- (3) Reduction in rank; or
- (4) Disciplinary transfer at the member's expense;

as the superintendent may adjudge. Nothing in this section shall be construed to prevent nondisciplinary transfers of members if the superintendent determines that such transfers are for the good of the patrol. No hearings shall be required in the case of reprimands or suspensions of three days or less which may be imposed at the discretion of the superintendent.

2. Subject to the exceptions set forth in subsection 3, if a complaint is filed against a member, the member will be provided a copy of the complaint promptly after the complaint is filed by or received by the patrol. Unless the member consents in writing to an earlier time, the member will not be interrogated by the patrol or ordered to respond in writing in connection with the complaint until forty-eight hours after the member has received a copy of the complaint. The member will be entitled to reasonable opportunity to have counsel present during any interrogation related to the complaint. Prior to the superintendent or the patrol making an initial recommendation of discipline, the member shall be entitled to a copy of any investigation reports and any other written or recorded information or other evidence reviewed by the patrol which relates to the complaint; and the member will be afforded an opportunity to present a written response thereto.

3. Notwithstanding any provisions in the preceding subsection, the superintendent may postpone notifying the member that a complaint has been filed and may withhold the complaint and part or all of the investigation report and other

evidence if the superintendent determines that such disclosures will seriously interfere with the investigation regarding that complaint or any other investigation being conducted by the patrol or will likely jeopardize the health or safety of any person. Nothing in this subsection shall be construed to limit the rights of parties to discovery in civil or criminal litigation.

4. Notwithstanding any provisions or rule, all decisions will be reviewed and all final decisions made by the director of the department of public safety."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed.

On motion of Senator Westfall, **HB 163** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Bentley	Quick	Schneider	Singleton
Staples--5			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for HBs 441, 94 and 244, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the awarding of honorary high school diplomas to certain veterans.

Was called from the Informal Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **HCS for HBs 441, 94 and 244** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			

Schneider
 Absent--Senators
 Scott
 Staples--3
 Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 621, with **SCA 1**, introduced by Representatives Gratz and Vogel, entitled:

An Act to amend chapter 217, RSMo, relating to the department of corrections by adding thereto one new section creating the Missouri state penitentiary redevelopment commission.

Was called from the Informal Calendar and taken up by Senator Rohrbach.

SCA 1 was taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 621, Page 1, Section 217.900, Line 6, by inserting after the word "city" and before the ";" on said line the following: "with the advice and consent of the governing body of that city".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rohrbach, **HB 621**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Childers	Jacob	Staples--3	
	Absent with leave--Senator Carter-- 1		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

HB 769, introduced by Representative Harlan, entitled:

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the privacy of personal information of participants in the Missouri higher education savings program.

Was called from the Informal Calendar and taken up by Senator House.

Senator Bentley offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 769, Page 1, Section A, Line 2, by inserting after all of said line the following:

- "160.560. 1. The provisions of this section shall be known and may be cited as the "Mastering Math Program".**
- 2. Beginning July 1, 2003, the department of elementary and secondary education shall provide four-year, competitive matching grants to assist public school districts:**
- (1) In interpretation of algebraic and pre-algebraic concepts throughout the district's elementary school, middle school and junior high school curriculum; and**
 - (2) With the establishment or enhancement of middle school or junior high school programs providing a curriculum that focuses on algebra to be offered no later than the ninth grade in the school's curriculum.**
- 3. Grant applications may be submitted on behalf of a school building, a combination of school buildings or for all schools in the district.**
- 4. Grant applications shall include, but shall not be limited to:**
- (1) A description of the school's current mathematics program, which shall, at a minimum, specifically address the focus on algebra or pre-algebra concepts in the curriculum;**
 - (2) An evaluation of the areas of needed instructional improvement or enhancement;**
 - (3) A description of the process of instructional improvement, including a statement regarding parental involvement in program implementation; and**
 - (4) A description of the method for evaluating student progress, which shall, at a minimum, include stated goals for improvement in student performance.**
- 5. Continued funding to a grantee after the second year of the grant shall be based upon improvement in student performance on the eighth grade mathematics portion of the state-wide assessment established pursuant to section 160.518.**
- 6. Upon the conclusion of the grant and based on improvement in student performance on the mathematics portion of the state-wide assessment established pursuant to section 160.518 during the period of the grant, the department of elementary and secondary education may reimburse the grantee for its local match under the grant, with such reimbursement funds to be placed to the credit of the school district's operating funds.**
- 7. The department of elementary and secondary education shall establish standards by rule promulgated pursuant to chapter 536, RSMo, for improvement of student performance relating to continued grant funding**

and refund of matching funds pursuant to this section.

8. Grants shall be distributed in equal amounts within geographic areas established proportionately based upon student population; provided that funds may be reallocated by the department of elementary and secondary education if an area has insufficient applications or insufficient eligible applications to obligate all funds for the area."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 769, Page 1, Section A, Line 2, by inserting after said line the following:

"160.067. 1. All personally identifiable student records maintained by a public elementary or secondary school shall be kept in such a manner that such records shall not be open for inspection to persons not employed by the school district, except as otherwise provided by law or as otherwise provided pursuant to 34 CFR Part 99. Any personally identifiable student records maintained on electronic media shall be maintained in such a manner as to assure that there is no access to such records by any unauthorized person. No personally identifiable student records, however maintained, shall be made available to any person who is not employed by the school district, except:

(1) With the prior written permission of the parent, guardian or other custodian of a student under the age of eighteen years; or

(2) With the prior written permission of the parent, guardian or other custodian of the student or the student, if the student is eighteen years of age or older; or

(3) In response to a subpoena in a pending civil or criminal action.

2. The provisions of this section shall not apply to section 160.261, 167.115, RSMo, or 167.117, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Bill No. 769, Page 1, Section 166.456, Line 5, by adding after the end of said line the following:

"Section 1. The home address, home email address and home phone number of any state employee shall not be released without their express permission."; and

Further amend said bill, by amending the titling and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Bill No. 769, Page 1, Section 166.456, Line 5, by inserting after all of said line the following:

"172.880. 1. There is hereby established, at the Rolla campus of the University of Missouri, a summer program to be known as the "Missouri Engineering and Science Academy" (MESA) for the purpose of educating high ability high school students who have an interest in science, math or engineering and have demonstrated abilities in science and mathematics.

2. The academy curriculum will be developed by faculty at the Rolla campus of the University of Missouri. The academy will be managed and funded through the Rolla campus of the University of Missouri subject to appropriation.

172.890. 1. There is hereby established, at the Rolla campus of the University of Missouri, a science summer program for in-service science teachers to enhance their knowledge and awareness of environmental matters associated with the history of natural resource development and land use changes in Missouri.

2. The goals of this program shall include:

(1) Educating teachers who are community leaders about environmental concerns and potential health and public safety risks;

(2) Increasing the local capacity of educators to develop and deliver a coordinated environmental education program;

(3) Developing and illustrating the concepts that demonstrate how the geologic environment directly impacts and controls the social and economic development of Missouri;

(4) Providing opportunities for participants to acquire knowledge about the development of Missouri's mineral and agricultural resources; and

(5) Providing opportunities for science teachers to build networks for common growth and support as they pursue effective careers in teaching the children of Missouri.

3. The science summer program established pursuant to this section will be funded, administered and taught by faculty at the Rolla campus of the University of Missouri with assistance from the department of elementary and secondary education.

4. Participating in the science summer program may be included as part of a teacher's participation in the career plan of a school district participating in the career development and teacher excellence plan pursuant to sections 168.500 to 168.515, RSMo, to the extent such participation is consistent with the teacher's career plan approved by the school board."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Bill No. 769, Page 1, Section 166.456, Line 5, by inserting immediately after said line the following:

"188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] As used in this chapter, the following terms mean:

(1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the

intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Department", the department of health and senior services;

[(4)] **(5)** "Gestational age", [length] **duration** of pregnancy as measured from the first day of the woman's last menstrual period;

[(5)] **(6)** "Physician", any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] **(7)** "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] **(8)** "Viability", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

188.052. 1. An individual abortion report for each abortion performed or induced upon a woman shall be completed by her attending physician. **The report shall include:**

(1) Information required by the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics, Centers for Disease Control and Prevention, United States Department of Health and Human Services, or its successor publication or agency; and

(2) Additional information on the type of abortion procedure used, including the specific surgical or nonsurgical method or the specific abortion-inducing drug or drug combination employed, including by way of example, but not of limitation:

(a) First trimester surgical methods, such as: menstrual regulation, also sometimes referred to as menstrual extraction, menstrual induction, miniabortion and endometrial aspiration; vacuum aspiration, also sometimes referred to as suction curettage; and sharp curettage;

(b) Second and third trimester surgical methods, such as: dilation and evacuation or "D&E", intact D&E, dilation and extraction or "D&X"; partial birth abortion; hysterotomy; and hysterectomy;

(c) Labor induction methods, such as: intrauterine saline instillation, intrauterine prostaglandin instillation, intrauterine urea instillation; oxytocin infusion; and prostaglandin vaginal suppository;

(d) Drugs or drug combinations employed in early pregnancy, such as methotrexate; mifepristone; tamoxifen; misoprostol; other prostaglandin analogues; and any combination thereof;

(e) Other methods and drugs employed, such as: incomplete drug-induced abortion followed by a surgical abortion; and injection of potassium chloride or digoxin to cause fetal death.

2. An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care. This report shall include, **but not be limited to:**

(1) The date of the abortion;

(2) The name and address of the abortion facility or hospital where the abortion was performed;

(3) The nature of the abortion complication diagnosed or treated.

3. All abortion reports shall be signed by the attending physician, and submitted to the [state] department [of health] within forty-five days from the date of the abortion. All complication reports shall be signed by the physician providing the post-abortion care and submitted to the department [of health] within forty-five days from the date of the post-abortion care.

4. A copy of the abortion report shall be made a part of the medical record of the patient of the facility or hospital in which the abortion was performed.

5. The [state] department [of health] shall be responsible for collecting all abortion reports and complication reports and collating and evaluating all data gathered therefrom and shall annually publish a statistical report based on such data from abortions performed **or induced and post-abortion care provided** in the previous calendar year. **The report shall include the duration of pregnancy, by weekly increments, at which abortions were performed or induced. The report shall not include any information that would allow the public to identify a specific:**

(1) Patient who obtained an abortion or who received post-abortion care;

(2) Physician who performed or induced an abortion or who provided post-abortion care; or

(3) Hospital or abortion facility where the abortion was performed or induced or which provided post-abortion care.

188.055. 1. Every abortion facility, hospital, and physician shall be supplied with forms by the department [of health] for use in regards to the consents and reports required by sections 188.010 to 188.085. A purpose and function of such consents and reports shall be the preservation of maternal health and life by adding to the sum of medical knowledge through the compilation of relevant maternal health and life data and to monitor all abortions performed to assure that they are done only under and in accordance with the provisions of the law.

2. All information obtained by physician, hospital, or abortion facility from a patient for the purpose of preparing reports to the department [of health under] **pursuant to** sections 188.010 to 188.085 or reports received by the [division of health] **department** shall be confidential and shall be used only for statistical purposes. Such records, however, may be inspected and health data acquired by local, state, or national public health officers.

188.070. Any [physician or other] person who [fails to maintain] **knowingly violates** the confidentiality of any records [or], reports [required under] **or documents maintained by the abortion facility or hospital or received by the department pursuant to** sections 188.010 to 188.085 is guilty of a [misdemeanor and, upon conviction, shall be punished as provided by law] **class D felony**.

191.655. 1. Any individual aggrieved by a violation of chapter 188, RSMo, relating to the confidentiality of medical records may, if a civil remedy is not otherwise provided for in the statute, bring a civil action for damages. If it is found in a civil action that:

(1) A person has negligently violated the statute, the person is liable, for each violation, for:

(a) The greater of actual damages or liquidated damages of one thousand dollars; and

(b) Court costs and reasonable attorney's fees incurred by the person bringing the action; and

(c) Such other relief, including injunctive relief, as the court may deem appropriate; or

(2) A person has willfully or intentionally or recklessly violated the statute, the person is liable, for each violation, for:

(a) The greater of actual damages or liquidated damages of five thousand dollars; and

(b) Exemplary damages; and

(c) Court costs and reasonable attorney's fees incurred by the person bringing the action; and

(d) Such other relief, including injunctive relief, as the court may deem appropriate.

2. The remedies available in this section are cumulative and in addition to any other criminal or administrative penalties otherwise provided for by law."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senators Jacob and Kenney offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend House Bill No. 769, Page 1, Section A, Line 2, by inserting immediately after said line the following:

"162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section,** hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census,** elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HB 769**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senator Quick--1			
Absent--Senators			
DePasco	Staples--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 626, with **SCS**, introduced by Represen-ative Hosmer, entitled:

An Act to repeal section 451.040, RSMo 2000, relating to marriage licenses, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Bentley.

SCS for **HB 626**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 626

An Act to repeal sections 451.022 and 451.040, RSMo 2000, relating to marriage, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Bentley moved that **SCS** for **HB 626** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **HB 626** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider

Scott	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Sims	Staples--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 678, with **SCS**, introduced by Represen-tative Seigfreid, entitled:

An Act to repeal sections 105.473, 105.475, 105.477, 105.961, 130.011, 130.016, 130.021, 130.026, 130.031, 130.032, 130.041, 130.046, 130.049, 130.050, 130.056 and 130.081, RSMo 2000, relating to ethics, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Mathewson.

SCS for **HB 678**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 678

An Act to repeal sections 105.473, 105.475, 105.477, 105.961, 130.011, 130.016, 130.021, 130.031, 130.041, 130.046, 130.049, 130.050, 130.056 and 130.081, RSMo 2000, relating to ethics, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Mathewson moved that **SCS** for **HB 678** be adopted.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 678, Page 22, Section 130.016, Line 88, by inserting the following:

"130.016. 1. No candidate for statewide elected office, general assembly, judicial office other than municipal judge, or municipal office in a city with a population of more than one hundred thousand shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and no single contributor, other than the candidate, has contributed more than two hundred [fifty] **seventy-five** dollars of the aggregate contributions received, provided that:

(1) The candidate files a sworn exemption statement with the appropriate officer that the candidate does not intend to either receive contributions or make expenditures in the aggregate of more than five hundred dollars or receive contributions from any single contributor, other than himself or herself, that aggregate more than two hundred [fifty] **seventy-five** dollars and that the total of all contributions received or expenditures made by the candidate and all

committees or any other person with his knowledge and consent in support of his candidacy will not exceed five hundred dollars and that the aggregate of contributions received from any single contributor will not exceed two hundred [fifty] **seventy-five** dollars. Such exemption statement shall be filed no later than the date set forth in section 130.046 on which a disclosure report would otherwise be required if the candidate does not file the exemption statement. The exemption statement shall be filed on a form furnished to each appropriate officer by the executive director of the Missouri ethics commission. Each appropriate officer shall make the exemption statement available to candidates and shall direct each candidate's attention to the exemption statement and explain its purpose to the candidate; and

(2) The sworn exemption statement includes a statement that the candidate understands that records of contributions and expenditures must be maintained from the time the candidate first receives contributions or makes expenditures and that an exemption from filing a statement of organization or disclosure reports does not exempt the candidate from other provisions of this chapter. Each candidate described in subsection 1 of this section, who files a statement of exemption, shall file a statement of limited activity for each reporting period, described in section 130.046.

2. Any candidate who has filed an exemption statement as provided in subsection 1 of this section shall not accept any contribution or make any expenditure in support of the person's candidacy, either directly or indirectly or by or through any committee or any other person acting with the candidate's knowledge and consent, which would cause such contributions or expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section unless the candidate later rejects the exemption pursuant to the provisions of subsection 3 of this section. Any contribution received in excess of such limits shall be returned to the donor or transmitted to the state treasurer to escheat to the state.

3. If, after filing the exemption statement provided for in this section, the candidate subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with the appropriate officer; however, such rejection shall not be filed later than thirty days before election. A notice of rejection of exemption shall be accompanied by a statement of organization as required by section 130.021 and any other statements and reports which would have been required if the candidate had not filed an exemption statement.

4. A primary election and the immediately succeeding general election are separate elections, and restrictions on contributions and expenditures set forth in subsection 2 of this section shall apply to each election; however, if a successful primary candidate has correctly filed an exemption statement prior to the primary election and has not filed a notice of rejection prior to the date on which the first disclosure report applicable to the succeeding general election is required to be filed, the candidate shall not be required to file an exemption statement for that general election if the limitations set forth in subsection 1 of this section apply to the succeeding general election.

5. A candidate who has an existing candidate committee formed for a prior election for which all statements and reports required by this chapter have been properly filed shall be eligible to file the exemption statement as provided in subsection 1 of this section and shall not be required to file the disclosure reports pertaining to the election for which the candidate is eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of such existing candidate committee continue to comply with the requirements, limitations and restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this subsection does not exempt a candidate or the treasurer of the candidate's existing candidate committee from complying with the requirements of subsections 6 and 7 of section 130.046 applicable to a prior election.

6. No [nonpartisan] candidate for supreme court, circuit court, or associate circuit court, or candidate for political party office, or for county office or municipal office in a city of one hundred thousand or less, or for any special purpose district office shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate's knowledge and consent in support of the person's candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed two hundred [fifty] **seventy-five** dollars. No candidate for any office listed in this subsection shall be excused from complying with the provisions of any section of this chapter, other than

the filing of an exemption statement under the conditions specified in this subsection.

7. If any candidate for an office listed in subsection 6 of this section exceeds the limits specified in subsection 6 of this section, the candidate shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 678, Pages 20-22, Section 130.016, Lines 1-88, by striking said section from the bill and further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Mathewson, **HB 678**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 806, regarding Patricia Bruto, Adrian, which was adopted.

Senator Caskey offered Senate Resolution No. 807, regarding Ima West, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 808, regarding Georgia Everts-Oser, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 809, regarding Elaine Ruth, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 810, regarding Elizabeth Love, Warrensburg, which was adopted.

Senator Quick offered Senate Resolution No. 811, regarding Michael David Jones, Kansas City, which was adopted.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

Senator Mathewson moved that **HB 678**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HB 678**, as amended, was again taken up.

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 678, Page 45, Section 130.081, Line 14, by inserting after said line the following:

"Section 1. 1. A person shall not be a sponsor of any published material on behalf of or in opposition to any candidate or ballot issue that contains any assertion, representation, or statement of fact, including, but not limited to, information concerning a candidate's prior public record, which the sponsor knows to be untrue, deceptive or misleading.

2. For purposes of this section, "published material" means statements or graphic representations made through any public medium which includes, but is not limited to, any of the following:

(1) Electronic media such as live or prerecorded radio or television broadcasts, broadcasts or transmissions through other publicly available electronic communications, and video or audio tape recordings which are publicly distributed;

(2) Print media, such as newspapers, pamphlets, folders, display cards, signs, posters, or billboard advertisements;

(3) Any other methods or mediums designed for publicly advertising or publishing in-formation.

3. For purposes of this section, "sponsor" means a person who pays for or approves published material and shall include a candidate or committee which knows and approves of an independent expenditure made by another person."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Kenney offered **SA 1 to SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Bill No. 678, Page 1, Section 1, Line 4, by putting an opening bracket before the second comma on said line and a closing bracket after the word "misleading".

Senator Kenney moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1 to SA 3** and was joined in his request by Senators Childers, Dougherty, Quick and Wiggins.

At the request of Senator Kenney, **SA 1 to SA 3** was withdrawn.

Senator Childers offered **SA 2 to SA 3**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for House Bill No. 678, Page 1, Section 1, Line 4, by inserting after the word "untrue," the word "**and**".

Senator Childers moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 2 to SA 3** and was joined in his request by Senators Gross, Wiggins, Childers and Westfall.

SA 2 to SA 3 was adopted by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Westfall	Yeckel--19	

NAYS--Senators

Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Mathewson	Quick	Scott	Stoll
Wiggins--13			

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

SA 3, as amended, was again taken up.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bland, Mathewson, Stoll and Wiggins.

SA 3, as amended, was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Mathewson	Quick
Russell	Schneider	Scott	Staples
Steelman	Stoll	Wiggins--23	

NAYS--Senators

Kenney	Kinder	Klindt	Loudon
Rohrbach	Sims	Singleton	Westfall
Yeckel--9			

Absent--Senator Klarich--1

Absent with leave--Senator Carter--1

At the request of Senator Mathewson, **HB 678**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HB 882**, with **SCS**; **HS** for **HCS** for **HBs 924, 714, 685, 756, 734** and **518**, with **SCS**; **HS** for **HCS** for **HB 327**, with **SCS**; and **HCS** for **HB 780**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

HCS for **HB 738**, entitled:

An Act to repeal sections 367.100, 367.215, 367.500, 367.503, 367.506, 367.509, 367.512, 367.515, 367.518, 367.521, 367.524, 367.527, 367.530 and 408.500, RSMo 2000, relating to small loans, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Klarich.

Senator Klarich offered **SS** for **HCS** for **HB 738**, entitled:

SENATE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 738

An Act to repeal sections 139.050, 139.052, 139.053, 148.064, 148.400, 301.600, 362.044, 362.105, 362.106, 362.119, 362.170, 362.270, 362.325, 362.335, 362.495, 362.935, 362.942, 367.100, 367.215, 367.500, 367.503, 367.506, 367.509, 367.512, 367.515, 367.518, 367.521, 367.524, 367.527, 367.530, 408.052, 408.140, 408.500 and 513.430, RSMo 2000, relating to financial services, and to enact in lieu thereof thirty-nine new sections relating to the same subject, with penalty provisions.

Senator Klarich moved that **SS** for **HCS** for **HB 738** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Committee Substitute for House Bill No. 738, Page 42, Section 367.100, Line 5 of said page, by inserting after said line the following:

"The provisions of Section 367.100(1)(b) shall not be effective until January 1, 2002."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Committee Substitute for House Bill No. 738, Page 70, Section 408.510, Lines 18-29, by deleting all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Committee Substitute for House Bill No. 738, Page 1, Section 139.050, Line 14, by inserting immediately before said line the following:

"135.230. 1. The exemption or credit established and allowed by section 135.220 and the credits allowed and established by subdivisions (1), (2), (3) and (4) of subsection 1 of section 135.225 shall be granted with respect to any new business facility located within an enterprise zone for a vested period not to exceed ten years following the date upon which the new business facility commences operation within the enterprise zone and such exemption shall be calculated, for each succeeding year of eligibility, in accordance with the formulas applied in the initial year in which the new business facility is certified as such, subject, however, to the limitation that all such credits allowed in sections

135.225 and 135.235 and the exemption allowed in section 135.220 shall be removed not later than fifteen years after the enterprise zone is designated as such. No credits shall be allowed pursuant to subdivision (1), (2), (3) or (4) of subsection 1 of section 135.225 or section 135.235 and no exemption shall be allowed pursuant to section 135.220 unless the number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two or the new business facility is a revenue-producing enterprise as defined in paragraph (d) of subdivision (6) of section 135.200. In order to qualify for either the exemption pursuant to section 135.220 or the credit pursuant to subdivision (4) of subsection 1 of section 135.225, or both, it shall be required that at least thirty percent of new business facility employees, as determined by subsection 4 of section 135.110, meet the criteria established in section 135.240 or are residents of an enterprise zone or some combination thereof, except taxpayers who establish a new business facility by operating a revenue-producing enterprise as defined in paragraph (d) of subdivision (6) of section 135.200 or any taxpayer that is an insurance company that established a new business facility satisfying the requirements of subdivision (8) of section 135.100 located within an enterprise zone after June 30, 1993, and before December 31, 1994, and that employs in excess of three hundred fifty new business facility employees at such facility each tax period for which the credits allowable pursuant to subdivisions (1) to (4) of subsection 1 of section 135.225 are claimed shall not be required to meet such requirement. A new business facility described as SIC 3751 shall be required to employ fifteen percent of such employees instead of the required thirty percent. For the purpose of satisfying the thirty-percent requirement, residents must have lived in the enterprise zone for a period of at least one full calendar month and must have been employed at the new business facility for at least one full calendar month, and persons qualifying because they meet the requirements of section 135.240 must have satisfied such requirement at the time they were employed by the new business facility and must have been employed at the new business facility for at least one full calendar month. The director may temporarily reduce or waive this requirement for any business in an enterprise zone with ten or less full-time employees, and for businesses with eleven to twenty full-time employees this requirement may be temporarily reduced. No reduction or waiver may be granted for more than one tax period and shall not be renewable. The exemptions allowed in sections 135.215 and 135.220 and the credits allowed in sections 135.225 and 135.235 and the refund established and authorized in section 135.245 shall not be allowed to any "public utility", as such term is defined in section 386.020, RSMo. **For the purposes of achieving the fifteen percent employment requirement set forth in this subsection, a new business facility described as NAICS 336991 may count employees who were residents of the enterprise zone at the time they were employed by the new business facility and for at least ninety days thereafter, regardless of whether such employees continue to reside in the enterprise zone, so long as the employees remain employed by the new business facility and residents of the state of Missouri.**

2. Notwithstanding the provisions of subsection 1 of this section, motor carriers, barge lines or railroads engaged in transporting property for hire or any interexchange telecommunications company that establish a new business facility shall be eligible to qualify for the exemptions allowed in sections 135.215 and 135.220, and the credits allowed in sections 135.225 and 135.235 and the refund established and authorized in section 135.245, except that trucks, truck-trailers, truck semitrailers, rail or barge vehicles or other rolling stock for hire, track, switches, bridges, barges, tunnels, rail yards and spurs shall not constitute new business facility investment nor shall truck drivers or rail or barge vehicle operators constitute new business facility employees.

3. Notwithstanding any other provision of sections 135.200 to 135.256 to the contrary, motor carriers establishing a new business facility on or after January 1, 1993, but before January 1, 1995, may qualify for the tax credits available pursuant to sections 135.225 and 135.235 and the exemption provided in section 135.220, even if such new business facility has not satisfied the employee criteria, provided that such taxpayer employs an average of at least two hundred persons at such facility, exclusive of truck drivers and provided that such taxpayer maintains an average investment of at least ten million **dollars** at such facility, exclusive of rolling stock, during the tax period for which such credits and exemption are being claimed.

4. Any governing authority having jurisdiction of an area that has been designated an enterprise zone may petition the department to expand the boundaries of such existing enterprise zone. The director may approve such expansion if the director finds that:

(1) The area to be expanded meets the requirements prescribed in section 135.207 or 135.210, whichever is applicable;

(2) The area to be expanded is contiguous to the existing enterprise zone; **and**

(3) The number of expansions do not exceed three after August 28, 1994.

5. Notwithstanding the fifteen-year limitation as prescribed in subsection 1 of this section, any governing authority having jurisdiction of an area that has been designated as an enterprise zone by the director, except one designated pursuant to this subsection, may file a petition, as prescribed by the director, for redesignation of such area for an additional period not to exceed seven years following the fifteenth anniversary of the enterprise zone's initial designation date; provided:

(1) The petition is filed with the director within three years prior to the date the tax credits authorized in sections 135.225 and 135.235 and the exemption allowed in section 135.220 are required to be removed pursuant to subsection 1 of this section;

(2) The governing authority identifies and conforms the boundaries of the area to be designated a new enterprise zone to the political boundaries established by the latest decennial census, unless otherwise approved by the director;

(3) The area satisfies the requirements prescribed in subdivisions (3), (4) and (5) of section 135.205 according to the latest decennial census or other appropriate source as approved by the director;

(4) The governing authority satisfies the requirements prescribed in sections 135.210, 135.215 and 135.255;

(5) The director finds that the area is unlikely to support reasonable tax assessment or to experience reasonable economic growth without such designation; and

(6) The director's recommendation that the area be designated as an enterprise zone, is approved by the joint committee on economic development policy and planning, as otherwise required in subsection 3 of section 135.210.

6. Any taxpayer having established a new business facility in an enterprise zone except one designated pursuant to subsection 5 of this section, who did not earn the tax credits authorized in sections 135.225 and 135.235 and the exemption allowed in section 135.220 for the full ten-year period because of the fifteen-year limitation as prescribed in subsection 1 of this section, shall be granted such benefits for ten tax years, less the number of tax years the benefits were claimed or could have been claimed prior to the expiration of the original fifteen-year period, except that such tax benefits shall not be earned for more than seven tax periods during the ensuing seven-year period, provided the taxpayer continues to operate the new business facility in an area that is designated an enterprise zone pursuant to subsection 5 of this section. Any taxpayer who establishes a new business facility subsequent to the commencement of the ensuing seven-year period, as authorized in subsection 5 of this section, may qualify for the tax credits authorized in sections 135.225 and 135.235, and the exemptions authorized in sections 135.215 and 135.220, pursuant to the same terms and conditions as prescribed in sections 135.100 to 135.256. The designation of any enterprise zone pursuant to subsection 5 of this section shall not be subject to the fifty enterprise zone limitation imposed in subsection 4 of section 135.210."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Committee Substitute for House Bill No. 738, Page 64, Section 408.052, Line 10, by inserting immediately after said line the following:

"408.100. This section shall apply to all loans which are not made as permitted by other laws of this state except that it shall not apply to loans which are secured by a lien on real estate, nonprocessed farm products, livestock, farm

machinery or crops or to loans to corporations. On any loan subject to this section, any person, firm, or corporation may charge, contract for and receive interest on the unpaid principal balance at rates agreed to by the parties, **except that such rate shall not exceed eighteen percent per year or the prime rate of interest as established pursuant to the Federal Reserve plus ten percent per year whichever rate is lower.**"; and

Further amend said bill, title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Johnson, Kenney, Mathewson and Westfall.

SA 4 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	DePasco	Staples
Wiggins--5			
NAYS--Senators			
Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Yeckel--26		
Absent--Senators			
Quick	Scott--2		
Absent with leave--Senator Carter--1			

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Committee Substitute for House Bill No. 738, Page 41, Section 362.942, Line 9 of said page, by inserting after all of said line the following:

- "364.120. 1. A premium finance company shall not charge, contract for, receive, or collect any interest or discount charge other than as permitted by sections 364.100 to 364.160.
2. The interest or discount is to be computed on the balance of the premiums due, after subtracting the down payment made by the insured in accordance with the premium finance agreement, from the effective date of the insurance contract, for which the premiums are being advanced, to and including the date when the final installment of the premium finance agreement is payable.
3. The interest or discount shall be a maximum of fifteen dollars per one hundred dollars per year, which shall be computed as a fifteen percent add-on interest rate, plus an additional service charge of ten dollars per premium finance agreement which need not be refunded on cancellation or prepayment; except that, if the insurance premiums being financed are for other than personal, family or household purposes, the parties to the premium finance agreement may agree to any rate of interest which shall be stated in the premium finance agreement. The interest or discount permitted by this subsection anticipates timely repayment in consecutive monthly installments equal in amount for a period of one year. For repayment in greater or lesser periods or in unequal, irregular, or other than monthly installments, the interest or discount may be computed at an equivalent effective rate having due regard for the timely payments of installments.
4. Notwithstanding the provisions of any premium finance agreement, any insured may prepay the obligation in full at any time and shall receive a refund credit[, which shall represent at least as great a proportion of the interest or

discount as the sum of the periodic balances, after the month in which prepayment is made, bears to the sum of all periodic balances under the schedule of installments in the agreement; except that, if the initial term of the contract is greater than sixty-one months, the interest earned shall be computed to the date of prepayment on the basis of the rate of interest originally contracted for computed on the actual unpaid principal balances for the time actually outstanding. Where the amount of the refund credit is less than one dollar, no refund need be made]. **The amount of the refund shall be calculated by the actuarial method of calculating refunds and no more interest shall be retained by the lender than is actually earned.**

365.140. Notwithstanding the provisions of any retail installment contract to the contrary any buyer may prepay in full, whether by payment in cash, extension or renewal, at any time before maturity the debt of any retail installment contract and on so paying the debt shall receive a refund credit thereon for the anticipation of payment. The amount of the refund shall [represent at least as great a proportion of the time price differential as the sum of the monthly time balances beginning one month after prepayment is made bears to the sum of all the monthly time balances under the schedule of payment in the contract after deducting from the refund an acquisition cost of fifteen dollars; except that, if the initial term of the contract is greater than sixty-one months, the amount of the time price differential earned shall be computed to the date of prepayment on the basis of the rate originally contracted for on the actual unpaid time balances for the time actually outstanding. Any insurance obviated by reason of prepayment shall be canceled by the holder and any refund of premiums received by the holder shall be treated in accordance with the provisions of subsection 2 of section 365.080. Where the amount of credit is less than one dollar no refund need be made] **be calculated by the actuarial method. The lender shall retain no more interest than is actually earned whenever a retail installment contract is prepaid. Any insurance rendered unnecessary by reason of prepayment shall be canceled by the holder and any refund of premiums received by the holder shall be treated in accordance with the provisions of subsection 2 of section 365.080.**"; and

Further amend said bill, Page 61, Section 367.532, Line 27 of said page, by inserting after all of said line the following:

"385.050. 1. Any insurer may revise its schedules of premium rates from time to time and shall file the revised schedules with the director. No insurer shall issue any credit life insurance policy or credit accident and sickness insurance policy for which the premium rate exceeds that determined by the schedules of the insurer as then approved by the director.

2. Each individual policy or group certificate shall provide that in the event of termination of the insurance prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for insurance shall be paid or credited promptly to the person entitled thereto; provided, however, that no refund of less than one dollar need be made. The formula to be used in computing the refund shall be the ["sum of the digits" formula with respect to decreasing term credit life insurance and credit accident and sickness insurance, and the pro rata unearned gross premium with respect to level term credit life insurance] **actuarial method of calculating refunds.**

3. If a creditor requires a debtor to make any payment for credit life insurance or credit accident and sickness insurance and an individual policy or group certificate of insurance is not issued, the creditor shall immediately give written notice to the debtor and shall promptly make an appropriate credit to the account.

4. The amount charged to a debtor for any credit life or credit accident and sickness insurance shall not exceed the premiums charged by the insurer, as computed at the time the charge to the debtor is determined.

5. Nothing in sections 385.010 to 385.080 shall be construed to authorize any payments for insurance now prohibited under any statute, or rule thereunder, governing credit transactions."; and

Further amend said bill, Page 64, Section 408.052, Line 10 of said page, by inserting after all of said line the following:

"408.083. Notwithstanding any other provision of law to the contrary, all credit contracts with interest or time price differential calculated on an add-on basis entered into after August [13, 1988, with an initial term greater than sixty-one months] **28, 2001**, the proceeds of which are used for personal, family or household purposes, shall provide that the amount of interest or time price differential earned upon prepayment in full will be computed on the basis of the rate or rate formula originally contracted for on the actual unpaid principal balances for the time actually outstanding.";

and

Further amend said bill, Page 67, Section 408.140, Line 1 of said page, by inserting after all of said line the following:

"408.170. [1.] If a note or loan contract providing for amount of interest, added to the principal of the loan is prepaid in full [(by cash, renewal, or refinancing) one month or more before the final installment date, the lender shall either:

(1) Recompute the amount of interest earned to the date of prepayment in full on the basis of the rate of interest originally contracted for computed on the actual unpaid principal balances for the time actually outstanding; or

(2) If the initial term of the contract is sixty-one months or less, give a refund of a portion of the amount of interest originally contracted for which shall be computed as follows: The amount of the refund shall be at least as great a proportion of such amount of interest as the sum of the full monthly balances of the contract scheduled to follow the installment date after the date of prepayment in full bears to the sum of all the monthly balances of the contract, both sums to be determined according to the payment schedule provided by the contract; except that, if prepayment in full occurs during the first installment period, interest shall be recomputed and charged only for the actual number of days elapsed. When the period before the first installment is more or less than one month, the portion of the interest earned for such period shall be determined by counting each day in such period as one-thirtieth of a month and one three hundred and sixtieth of a year.

2. No refund shall be required for any partial prepayment.

3. The word "refund" as used herein shall mean a credit or deduction from the amount of interest originally contracted for] **at any time by cash, renewal or refinancing, the buyer shall receive a refund which shall be calculated by the actuarial method. The lender shall retain no more interest than is actually earned whenever a note or loan contract is prepaid.**

408.320. Notwithstanding the provisions of any retail time contract to the contrary, any buyer may prepay in full at any time before maturity the debt of any retail time contract and on so paying such debt shall receive a refund credit thereof for such anticipation of payments. The amount of such refund shall [represent at least as great a proportion of the time charge as the sum of the monthly time balances, beginning one month after prepayment is made, bears to the sum of all the monthly time balances under the schedule of payments in the contract after deducting from such refund an acquisition cost of twelve dollars; except that, if the initial term of the contract is greater than sixty-one months, the amount of time charge earned shall be computed to the date of prepayment on the basis of the rate originally contracted for computed on the actual unpaid time balances for the time actually outstanding. Any insurance obviated by reason of prepayment shall be canceled by the holder and any refund of premiums received by the holder shall be treated in accordance with the provisions of subsection 5 of section 408.280. Where the amount of credit is less than one dollar no refund need be made] **be calculated by the actuarial method. The lender shall retain no more interest than is actually earned whenever a retail time contract is prepaid.**"; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Goode, Johnson and Russell.

SA 5 failed of adoption by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Goode	Johnson
Russell	Schneider	Singleton	Wiggins-- 12

NAYS--Senators

Cauthorn	Foster	Gibbons	Gross
House	Jacob	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson

Rohrbach	Scott	Sims	Staples
Steelman	Stoll	Westfall	Yeckel--20
Absent--Senator Quick--1			
Absent with leave--Senator Carter--1			

Senator Kinder requested unanimous consent of the Senate to allow the Senate conferees on **SS** for **SCS** for **HS** for **HB 421**, as amended, meet while the Senate is in session, which request was granted.

Senator Klarich moved that **SS** for **HCS** for **HB 738**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **HCS** for **HB 738**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Childers	Quick	Scott--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 460**, entitled:

An Act to repeal section 144.815, RSMo 2000, and to enact in lieu thereof twelve new sections relating to sales and use tax assessment and collection procedures of the department of revenue, with an emergency clause for certain sections.

With House Amendment No. 1 to House Substitute, House Amendments Nos. 1, 2, 4 and 5 to Part 1 of House Substitute, House Substitute Amendment No. 1 for House Amendment No.1, House Amendments Nos. 2 and 3 to Part 2 of House Substitute.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 460, Page 8, Section 144.049, Line 17,

by inserting after the word "**all**" the words "**state and**"; and

Further amend said bill, Page 8, Section 144.049, Line 20, by inserting after the word "**all**" the words "**state and**"; and

Further amend said bill, Page 11, Section 144.815, Line 15, by inserting after the word "from" the words "**all state and**"; and

Further amend said bill, Page 11, Section 144.815, Line 22, by inserting after the words "pursuant to" the words "**all state and**"; and

Further amend said bill, Page 19, Section 2, Line 7, by inserting after the word "**all**" the words "**state and**"; and

Further amend said bill, Page 19, Section 2, Line 10, by inserting after the word "**all**" the words "**state and**".

HOUSE AMENDMENT NO. 1 TO

PART I

Amend Part I to House Substitute for House Committee Substitute for Senate Bill No. 460, Page 8, Section 32.378, Line 14, by inserting after said line the following:

"144.025. 1. Notwithstanding any other provisions of law to the contrary, in any retail sale other than retail sales governed by subsection 3 of this section, where any article is taken in trade as a credit or part payment on the purchase price of the article being sold, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the actual allowance made for the article traded in or exchanged, if there is a bill of sale or other record showing the actual allowance made for the article traded in or exchanged. Where the purchaser of a motor vehicle, trailer, boat or outboard motor receives a rebate from the seller or manufacturer, the tax imposed by sections 144.020 and 144.440 shall be computed only on that portion of the purchase price which exceeds the amount of the rebate, if there is a bill of sale or other record showing the actual rebate given by the seller or manufacturer. Where the trade-in or exchange allowance plus any applicable rebate exceeds the purchase price of the purchased article there shall be no sales or use tax owed. This section shall also apply to motor vehicles, trailers, boats, and outboard motors sold by the owner or holder of the properly assigned certificate of ownership if the seller purchases or contracts to purchase a subsequent motor vehicle, trailer, boat, or outboard motor within one hundred eighty days before or after the date of the sale of the original article and a notarized bill of sale showing the paid sale price is presented to the department of revenue at the time of licensing. A copy of the bill of sale shall be left with the licensing office. Where the subsequent motor vehicle, trailer, boat, or outboard motor is titled more than one hundred eighty days after the sale of the original motor vehicle, trailer, boat, or outboard motor, the allowance pursuant to this section shall be made if the person titling such article establishes that the purchase or contract to purchase was finalized prior to the expiration of the one hundred eighty-day period. **For purposes of this section "trade-in" shall include any insurance proceeds received as the result damage to a motor vehicle, trailer, boat, or outboard motor when such proceeds are used to purchase a replacement motor vehicle, trailer, boat, or outboard motor.**

2. As used in this section, the term "boat" includes all motorboats and vessels, as the terms "motorboat" and "vessel" are defined in section 306.010, RSMo.

3. As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo.

4. The provisions of subsection 1 of this section shall not apply to retail sales of manufactured homes in which the purchaser receives a document known as the "Manufacturer's Statement of Origin" for purposes of obtaining a title to the manufactured home from the department of revenue of this state or from the appropriate agency or officer of any other state."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2 TO

PART I

Amend Part I to House Substitute for House Committee Substitute for Senate Bill No. 460, Section 144.049, by inserting immediately before said section the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment [or recreation], games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecom-munications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase or use of motor vehicles, trailers, boats, and outboard motors shall be taxed and the tax paid as provided in sections 144.070 and 144.440. No tax shall be collected on the rental or lease of motor vehicles, trailers, boats, and outboard motors, except as provided in sections 144.070 and 144.440. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid

to, or in any place of recreation, with the exception of membership and other user fees paid to health and fitness centers. The sale of a membership solely for health-benefit activities at a health and fitness center shall not be taxable pursuant to this chapter. User fees charged by health and fitness centers, whether charged to members or non-members, shall not be taxable pursuant to this chapter if the fee is charged solely for a health-benefit activity. The sale of a recreational membership at a health and fitness center shall be taxed at the rate of four percent of the amount paid for the membership. User fees charged by health and fitness centers, whether charged to members or non-members, shall be taxed at the rate of four percent of the fee charged if the fee is charged for a recreational activity. For purposes of this subdivision, the term "health-benefit activities" means activities the primary purpose of which is to improve a person's health and fitness, including but not limited to strength programs, running and weight training; cardiovascular programs, exercises and training; lap swimming and aerobic programs, exercises and training; nutrition-related programs; weight control programs, exercises and training; multiple-step health programs; and any programs, activities, exercise, training or therapy which is referred by a physician or which is paid for by health insurance. For purposes of this subdivision, the term "recreational" or "recreational activities" means all activities not considered to be health-benefit activities, including but not limited to basketball, volleyball, racquetball, karate, dancing, golf, tennis or any games or competitions.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4 TO

PART I

Amend Part I to House Substitute for House Committee Substitute for Senate Bill No. 460, Page Section 32.378, by inserting after all of said section the following:

"94.577. 1. The governing body of any municipality except those located in whole or in part within any first class county having a charter form of government and not containing any part of a city with a population of four hundred thousand or more and adjacent to a city not within a county for that part of the municipality located within such first class county is hereby authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half of one percent sales tax on all retail sales made in such municipality which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding capital improvements, including the operation and maintenance of capital improvements, which may be funded by issuing bonds which will be retired by the revenues received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. A municipality located in a charter county may impose a sales tax on all retail sales for capital improvements as provided in section 94.890. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; but no ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the municipality submits to the voters of the municipality, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the municipality to impose such tax and, if such tax is to be used to retire bonds authorized under this section, to authorize such bonds and their retirement by such tax, or to authorize the retirement of debt under previously authorized bonded indebtedness.

2. The ballot of submission shall contain, but need not be limited to:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the municipality of (municipality's name) impose a sales tax of (insert amount) for the purpose of funding capital improvements which may include the retirement of debt under previously authorized bonded indebtedness?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the municipality of (municipality's name) issue bonds in the amount of (insert amount) to fund capital improvements and impose a sales tax of (insert amount) to repay bonds?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, including when the proposal authorizes the reduction of debt under previously authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect, except that any proposal submitted under subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality shall have no power to issue any bonds or impose the sales tax authorized in this section unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to issue any bonds or impose the sales tax authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section, **except that any municipality with a population of greater than four hundred thousand and located within more than one county may submit a proposal pursuant to this section to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section, if the subsequent proposal is submitted to the voters on or before November 6, 2001.**

3. All revenue received by a municipality from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for capital improvements, including the operation and maintenance of capital improvements, for so long as the tax shall remain in effect. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with revenues raised by the tax authorized by this section. Any funds in the special trust fund required by this subsection which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have not been imposed to retire bonds issued pursuant to this section.

4. All revenue received by a municipality which issues bonds under this section and imposes the tax authorized by this section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of capital improvements. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with the revenue received as a result of the issuance of such bonds. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued under this section may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have been imposed to retire bonds issued under this section.

5. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax in the same manner as provided in sections 94.500 to 94.570, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed pursuant to this section

and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. No tax imposed pursuant to this section for the purpose of retiring bonds issued under this section may be terminated until all of such bonds have been retired.

7. In any city not within a county, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such municipalities. If any municipality abolishes the tax, the municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such municipality, the director of revenue shall remit the balance in the account to the municipality and close the account of that municipality. The director of revenue shall notify each municipality of each instance of any amount refunded or any check redeemed from receipts due the municipality."; and

Further amend Page 19, Section B, Line 20, by adding after the word "clothing" the words "for the purpose of funding capital improvement and the repeal and reenactment of Section 94.577 and"; and

Further amend Page 19, Section B, Line 24, after the word and the words "the repeal and reenactment of Section 94.577 and"; and

Further amend Page 20, Line 1 and 2, by deleting said line and replacing with "**shall be in full force and effect upon its passage and approval.**"; and

Further amend the rest of title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5 TO

PART I

Amend Part I to House Substitute for House Committee Substitute for Senate Bill No. 460, Page 12, Section 144.815, Line 14, by inserting after said line the following:

"144.819. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from all state and local sales taxes, as defined in section 32.085, RSMo, and sections 144.010 to 144.510 and 144.600 to 144.757, and from the computation of the tax levied, assessed or payable pursuant to all state and local sales taxes as defined in section 32.085, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.811, all materials and supplies used directly in the production of all printed material by firms classified in the 1987 standard industry code classification group 27, except 279 (or their equivalents in the 1997 North American industry classification system), which is intended to be sold ultimately for final use or consumption, if title to the materials and supplies is transferred for consideration to the purchaser of the printed material."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR

HOUSE AMENDMENT NO. 1 TO

PART II

Amend Part II to House Substitute for House Committee Substitute for Senate Bill No. 460, Page 14, Section 144.1059, Line 3, by inserting after the words "**of the senate.**" the following: "**The delegates shall recommend to the committees responsible for reviewing tax issues in the senate and the house of representatives each year what state statutes are required to be amended to be substantially in compliance with the agreement.**"; and

Further amend said bill, Page 15, Section 144.1065, Line 8, by inserting after the word "**state.**" the following: "**Adoption of the agreement by this state does not amend or modify any law of this state.**"; and

Further amend said bill, Page 15, Section 144.1068, Line 12, by inserting after the number "**144.1068.**" the following:

"1. The director of revenue shall not enter into the streamlined sales and use tax agreement until legislation substantially complying with the requirements of the agreement is enacted into law.

2."

HOUSE AMENDMENT NO. 2 TO

PART II

Amend Part II to House Substitute for House Committee Substitute for Senate Bill No. 460, Pages 13 and 14, Section 144.1059, Lines 23 and 24 on Page 13 and Lines 1 through 3 on Page 14, by deleting all of said lines and inserting in lieu thereof the following:

"appointed by the governor, one member of the majority party in the house of representatives appointed by the speaker of the house of representatives, one member of the minority party in the house of representatives appointed by minority leader of the house of representatives, one member of the majority party in the senate appointed by the pro tempore of the senate and one member of the minority party in the senate appointed by minority leader of the senate. Such".

HOUSE AMENDMENT NO. 3 TO

PART II

Amend Part II to House Substitute for House Committee Substitute for Senate Bill No. 460, Page 20, Section B, Line 2, by adding one new section:

"Section A. Chapter 144, RSMo, is amended by adding thereto one new section, to be known as section 144.817, to read as follows:

144.817. In addition to the exemptions granted pursuant to the provisions of section 144.030, RSMo, there shall also be specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, RSMo, and from the computation of the tax levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMO, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745, RSMo, purchases of any item of tangible personal property which is, within one year of such purchase, donated without charge to the state of Missouri. The exemption prescribed in this section includes purchases of all items of tangible personal property converted into an item donated as a gift to the state of Missouri."; and

Further amend said bill by amending title, enacting clauses, and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives that the House has taken up and passed **HS** for **HCS** for **SB 72**, entitled:

An Act to repeal sections 109.005, 109.120, 109.241, 610.010, 610.015, 610.021 and 610.027, RSMo 2000, and to enact in lieu thereof ten new sections relating to public and business records.

With House Substitute Amendment No. 1 for House Amendment No. 1, Part 1 of House Amendment No. 2, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendments Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Pages 6-11, Section 191.940, by deleting all of said section and inserting in lieu thereof the following:

"191.940. 1. For the purposes of this section the following terms mean:

(1) "Disclose", to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information, except that disclosure shall not include any information divulged directly to the individual to whom such information pertains;

(2) "Federal Privacy Rules", the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164;

(3) "Health Information", any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to:

(a) The past, present or future physical, mental or behavioral health or condition of an individual;

(b) The provision of health care to an individual; or

(c) Payment for the provision of health care to an individual;

(4) "Licensee", all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold, a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;

(5) "nonpublic personal health information", health information;

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;

(6) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, a governmental agency or any other entity;

2. Any person who, in the ordinary course of business, practice of a profession or rendering of a service, creates, stores, receives or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior, written authorization of the person to whom such information pertains or such person's authorized representative, if;

(1) The nonpublic personal health information is disclosed in exchange for consideration to an affiliate or other third party; or

(2) The purpose of the disclosure is:

(a) For the marketing of services or goods for personal, family or household purposes;

(b) To facilitate an employer's employment-related decisions, including, but not limited to, hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;

(c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family or household purposes; or

(d) Unrelated to the business, practice or service offered by the disclosing person or entity.'

(3) Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be assessed an administrative penalty of not more than five hundred dollars for each violation of this section. An administrative penalty under this section may be assessed by a state agency responsible for regulating the person or by the attorney general.

5. In addition to the penalties provided in subsection 4 of this section, any person that violates this section shall be subject to civil action for damages or equitable relief.

6. To the extent a person other than a licensee is subject to and complies with all requirements of the federal privacy rules, such person shall be deemed to be in compliance with this section. Until April 14, 2003, a person other than a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall be deemed to be in compliance with this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

8. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information Regulation", the licensee shall be deemed to be in compliance with this section.

9. Notwithstanding the provisions of subsections 5, 6 and 7 of this section, no person or licensee may disclose nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

10. The provisions of this act do not apply to information from or to consumer reporting agencies as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq., or debt collectors as defined by the federal Fair Debt Collection Practices Act, 15 U.S.C. Sec. 1692 et seq. To the extent these entities are engaged in activities regulated by these federal acts.

11. The provisions of this act do not apply to information disclosed in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, including but not limited to the sale of a portfolio of loans, if the disclosure of nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information is not the primary reason for the sale, merger, transfer or exchange.

12. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including without limitation, treating violations of this section by licensees as unfair practices pursuant to sections 375.930 to 375.948, RSMo.

13. There shall be established a "Commission on Health Information Privacy" to study the issue of the protection of the privacy of nonpublic personal health information. By January 1, 2003, the commission shall make a recommendation to the general assembly of what additional legislative measures should be enacted to protect the privacy of nonpublic health information, after which the commission shall expire.

(1) The members of the commission shall be named by the governor and shall be citizens and residents of the state. The commission shall consist of fifteen individuals: one representative from the health insurance industry; one representative from the life insurance industry; one representative from the property and casualty insurance industry; three representatives from consumer advocacy organizations; three representatives from health care provider organizations; one representative from the department of health; one representative from the department of insurance; and four at-large representatives with demonstrated interest or expertise in health information privacy issues.

(2) Members shall receive no remuneration for their services but shall be reimbursed for actual and reasonable expenses incurred by them in the performance of their duties."

PART I OF

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Section A, Page 1, Line 13, by inserting all the following immediately after said line:

"105.473. 1. Each lobbyist shall, not later than five days after beginning any activities as a lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, along with a filing fee of ten dollars, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons such lobbyist employs for lobbying purposes, the name and address of each lobbyist principal by whom such lobbyist is employed or in whose interest such lobbyist appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation. The filing fee shall be deposited to the general revenue fund of the state. The lobbyist principal or a lobbyist employing another person for lobbying purposes may notify the commission that a judicial, executive or legislative lobbyist is no longer authorized to lobby for the principal or the lobbyist and should be removed from the commission's files.

2. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears. A person who is not a lobbyist as defined in section 105.470 shall not be required to give such person's address if the committee determines that the giving of such address would endanger the person's physical health.

3. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist, judicial lobbyist or a legislative lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission monthly reports which shall be due at the close of business on the tenth day of the following month;

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is

made under the penalties of perjury, setting forth the following:

- (a) The total of all expenditures by the lobbyist or his or her lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch, judicial branch and legislative branch of government: [printing and publication expenses; media and other advertising expenses;] travel; entertainment; [honoraria;] meals, food and beverages; and gifts;
- (b) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his or her lobbyist principal, including a service or anything of value, for all expenditures made during any reporting period, paid or provided to or for a public official, such official's staff, employees, spouse or dependent children;
- (c) The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:
 - a. All members of the senate;
 - b. All members of the house of representatives;
 - c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or
 - d. All members of a caucus of the general assembly if the caucus consists of at least ten members, a list of the members of the caucus has been previously filed with the ethics committee of the house or the senate, and such list has been approved by either of such ethics committees;
- (d) Any expenditure made on behalf of a public official, or the public official's staff, employees, spouse or dependent children, if such expenditure is solicited by such public official, the public official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals and the name of such person or persons, except any expenditures made to any not for profit corporation, charitable, fraternal or civic organization or other association formed to provide for good in the order of benevolence;
- (e) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official.

The reports required by this subdivision shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

- 4. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself or herself. **No expenditure reported pursuant to this section shall include any payment, gift, compensation, fee expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit and when such employment is in addition to their employment as a public official.** All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists.
- 5. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.
- 6. All information required to be filed pursuant to the provisions of this section with the commission shall be kept available by the executive director of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

7. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than ten thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

8. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

9. The prosecuting attorney of Cole County shall be reimbursed only out of funds specifically appropriated by the general assembly for investigations and prosecutions for violations of this section.

10. Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

11. The commission shall provide a report listing the total spent by a lobbyist for the month and year to any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government on or before the twentieth day of each month. For the purpose of providing accurate information to the public, the commission shall not publish information in either written or electronic form for ten working days after providing the report pursuant to this subsection. The commission shall not release any portion of the lobbyist report if the accuracy of the report has been questioned pursuant to subsection 10 of this section unless it is conspicuously marked "Under Review".

12. Each lobbyist or lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, shall provide a general description of the proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed. This information shall be supplied to the commission on March fifteenth and May thirtieth of each year.

105.475. [1. The provisions of sections 105.470 to 105.473 shall not apply to any public official or a staff member, employee, spouse or dependent child of a public official when employed by a lobbyist principal and who is acting on behalf of the lobbyist principal in their employment, except if such person's employment is as a lobbyist for the lobbyist principal.

2.] The provisions of sections 105.470 to 105.473 shall not apply to any member of a union who is acting in either an employment capacity or contractual capacity in association with the union, except if such person's employment or contractual capacity is as a lobbyist for the union.

105.477. 1. The commission shall supply a computer program which shall be used for filing by modem or by a common magnetic media chosen by the commission. The computer program shall be able to run on DOS, Windows or Macintosh based personal computers [or run on any other common personal computer operating environment which may become available in the future].

2. The commission shall have the appropriate software and hardware in place by January 1, 1998, for acceptance of reports electronically. The commission shall make this information available via an Internet Web site connection by no later than January 1, 1999.

3. All lobbyists shall file expenditure reports required by the commission electronically either through modem or common magnetic media. In addition, lobbyists shall file a signed form prescribed by the commission which verifies the information filed electronically within five working days; except that, [if] **when** a means becomes available which will allow a verifiable electronic signature, the commission may accept this in lieu of a [written statement] **signed form.**

4. All records that are in electronic format, not otherwise closed by law, shall be available in electronic format to the public. The commission shall maintain and provide for public inspection, a listing of all reports, with a complete description for each field contained on the report, that has been used to extract information from their database files. The commission shall develop a report or reports which contain every field in each database.

5. Annually, the commission shall provide[, without cost, a system-wide dump of] **to the general assembly at no cost a complete copy of** information contained in the commission's electronic **reporting** database files [to the general assembly]. The information [is to] **shall** be copied onto a medium specified by the general assembly. Such information shall not contain records otherwise closed by law. It is the intent of the general assembly to provide open access to the commission's records. The commission shall make every reasonable effort to comply with requests for information and shall take a liberal interpretation when considering such requests. Priority shall be given to public requests for reports identifying lobbyist or lobbyist principal expenditures per individual legislator.

105.961. 1. Upon receipt of a complaint as described by section 105.957, the commission shall assign the complaint to a special investigator, who may be a commission employee, who shall investigate and determine the merits of the complaint. Within ten days of such assignment, the special investigator shall review such complaint and disclose, in writing, to the commission any conflict of interest which the special investigator has or might have with respect to the investigation and subject thereof. Within one hundred twenty days of receipt of the complaint from the commission, the special investigator shall submit the special investigator's report to the commission. The commission, after review of such report, shall determine:

(1) That there is reasonable grounds for belief that a violation has occurred; or

(2) That there are no reasonable grounds for belief that a violation exists and the complaint should be dismissed; or

(3) That additional time is necessary to complete the investigation, and the status and progress of the investigation to date. The commission, in its discretion, may allow the investigation to proceed for additional successive periods of one hundred twenty days each, pending reports regarding the status and progress of the investigation at the end of each such period.

2. When the commission concludes, based on the report from the special investigator, or based on an audit conducted pursuant to section 105.959, that there are reasonable grounds to believe that a violation of any criminal law has occurred, and if the commission believes that criminal prosecution would be appropriate upon a vote of **at least** four members of the commission, the commission shall refer the report to the Missouri office of prosecution services, prosecutors coordinators training council established in section 56.760, RSMo, which shall submit a panel of five attorneys for recommendation to the court having criminal jurisdiction, for appointment of an attorney to serve as a special prosecutor; except that, the attorney general of Missouri or any assistant attorney general shall not act as such special prosecutor. The court shall then appoint from such panel a special prosecutor pursuant to section 56.110, RSMo, who shall have all the powers provided by section 56.130, RSMo. The court shall allow a reasonable and necessary attorney's fee for the services of the special prosecutor. Such fee shall be assessed as costs if a case is filed, or ordered by the court if no case is filed, and paid together with all other costs in the proceeding by the state, in accordance with rules and regulations promulgated by the state courts administrator, subject to funds appropriated to the office of administration for such purposes. If the commission does not have sufficient funds to pay a special prosecutor, the commission shall refer the case to the prosecutor or prosecutors having criminal jurisdiction. If the prosecutor having criminal jurisdiction is not able to prosecute the case due to a conflict of interest, the court may appoint a special prosecutor, paid from county funds, upon appropriation by the county or the attorney general to investigate and, if appropriate, prosecute the case. The special prosecutor or prosecutor shall commence an action based on the report by the filing of an information or seeking an indictment within sixty days of the date of such prosecutor's appointment, or shall file a written statement with the commission explaining why criminal charges should not be sought. If the special prosecutor or prosecutor fails to take either action required by this subsection, upon request of the commission, a new special prosecutor, who may be the attorney general, shall be appointed. The report may also be referred to the appropriate disciplinary authority over the person who is the subject of the report.

3. When the commission concludes, based on the report from the special investigator or based on an audit conducted

pursuant to section 105.959, that there are reasonable grounds to believe that a violation of any law has occurred which is not a violation of criminal law or that criminal prosecution is not appropriate, the commission [shall] **may** conduct a hearing which shall be a closed meeting and not open to the public. The hearing shall be conducted pursuant to the procedures provided by sections 536.063 to 536.090, RSMo, and shall be considered to be a contested case for purposes of such sections. The commission shall determine, in its discretion, whether or not that there is probable cause that a violation has occurred. If the commission determines, by a vote of at least four members of the commission, that probable cause exists that a violation has occurred, the commission may refer its findings and conclusions to the appropriate disciplinary authority over the person who is the subject of the report, as described in subsection 7 of this section. **If the commission determines by a vote of at least four members that a hearing is not appropriate, the commission may, by a vote of at least four members, seek an agreement with the party or parties determined to have violated the provisions of subsection 1 of section 105.957, and the commission may collect a fee for such violation in an amount not greater than one thousand dollars.** After the commission determines by a vote of at least four members of the commission that probable cause exists that a violation has occurred, and the commission has referred the findings and conclusions to the appropriate disciplinary authority over the person subject of the report, the subject of the report may appeal the determination of the commission to the administrative hearing commission. Such appeal shall stay the action of the Missouri ethics commission. Such appeal shall be filed not later than the fourteenth day after the subject of the commission's action receives actual notice of the commission's action.

4. If the appropriate disciplinary authority receiving a report from the commission pursuant to subsection 3 of this section fails to follow, within sixty days of the receipt of the report, the recommendations contained in the report, or if the commission determines, by a vote of at least four members of the commission that some action other than referral for criminal prosecution or for action by the appropriate disciplinary authority would be appropriate, the commission shall take any one or more of the following actions:

- (1) Notify the person to cease and desist violation of any provision of law which the report concludes was violated and that the commission may seek judicial enforcement of its decision pursuant to subsection 5 of this section;
- (2) Notify the person of the requirement to file, amend or correct any report, statement, or other document or information required by sections 105.473, 105.483 to 105.492, or chapter 130, RSMo, and that the commission may seek judicial enforcement of its decision pursuant to subsection 5 of this section; and
- (3) File the report with the executive director to be maintained as a public document; or
- (4) Issue a letter of concern or letter of reprimand to the person, which would be maintained as a public document; or
- (5) Issue a letter that no further action shall be taken, which would be maintained as a public document; or
- (6) Through reconciliation agreements or civil action, the power to seek fees for violations in an amount not greater than one thousand dollars or double the amount involved in the violation.

5. Upon vote of at least four members, the commission may initiate formal judicial proceedings seeking to obtain any of the following orders:

- (1) Cease and desist violation of any provision of sections 105.450 to 105.496, or chapter 130, RSMo, or sections 105.955 to 105.963;
- (2) Pay any civil penalties required by sections 105.450 to 105.496 or chapter 130, RSMo;
- (3) File any reports, statements, or other documents or information required by sections 105.450 to 105.496, or chapter 130, RSMo; or
- (4) Pay restitution for any unjust enrichment the violator obtained as a result of any violation of any criminal statute as described in subsection 6 of this section.

The Missouri ethics commission shall give actual notice to the subject of the complaint of the proposed action as set out in this section. The subject of the complaint may appeal the action of the Missouri ethics commission, other than a referral for criminal prosecution, to the administrative hearing commission. Such appeal shall stay the action of the Missouri ethics commission. Such appeal shall be filed no later than fourteen days after the subject of the commission's actions receives actual notice of the commission's actions.

6. In the proceeding in circuit court, the commission may seek restitution against any person who has obtained unjust enrichment as a result of violation of any provision of sections 105.450 to 105.496, or chapter 130, RSMo, and may recover on behalf of the state or political subdivision with which the alleged violator is associated, damages in the amount of any unjust enrichment obtained and costs and attorney's fees as ordered by the court.

7. The appropriate disciplinary authority to whom a report shall be sent pursuant to subsection 2 or 3 of this section shall include, but not be limited to, the following:

(1) In the case of a member of the general assembly, the ethics committee of the house of which the subject of the report is a member;

(2) In the case of a person holding an elective office or an appointive office of the state, if the alleged violation is an impeachable offense, the report shall be referred to the ethics committee of the house of representatives;

(3) In the case of a person holding an elective office of a political subdivision, the report shall be referred to the governing body of the political subdivision;

(4) In the case of any officer or employee of the state or of a political subdivision, the report shall be referred to the person who has immediate supervisory authority over the employment by the state or by the political subdivision of the subject of the report;

(5) In the case of a judge of a court of law, the report shall be referred to the commission on retirement, removal and discipline, or if the inquiry involves an employee of the judiciary to the applicable presiding judge;

(6) In the case of a person holding an appointive office of the state, if the alleged violation is not an impeachable offense, the report shall be referred to the governor;

(7) In the case of a statewide elected official, the report shall be referred to the attorney general;

(8) In a case involving the attorney general, the report shall be referred to the prosecuting attorney of Cole County.

8. The special investigator having a complaint referred to the special investigator by the commission shall have the following powers:

(1) To request and shall be given access to information in the possession of any person or agency which the special investigator deems necessary for the discharge of the special investigator's responsibilities;

(2) To examine the records and documents of any person or agency, unless such examination would violate state or federal law providing for confidentiality;

(3) To administer oaths and affirmations;

(4) Upon refusal by any person to comply with a request for information relevant to an investigation, an investigator may issue a subpoena for any person to appear and give testimony, or for a subpoena duces tecum to produce documentary or other evidence which the investigator deems relevant to a matter under the investigator's inquiry. The subpoenas and subpoenas duces tecum may be enforced by applying to a judge of the circuit court of Cole County or any county where the person or entity that has been subpoenaed resides or may be found, for an order to show cause why the subpoena or subpoena duces tecum should not be enforced. The order and a copy of the application therefor shall be served in the same manner as a summons in a civil action, and if, after hearing, the court determines that the

subpoena or subpoena duces tecum should be sustained and enforced, the court shall enforce the subpoena or subpoena duces tecum in the same manner as if it had been issued by the court in a civil action; and

(5) To request from the commission such investigative, clerical or other staff assistance or advancement of other expenses which are necessary and convenient for the proper completion of an investigation. Within the limits of appropriations to the commission, the commission may provide such assistance, whether by contract to obtain such assistance or from staff employed by the commission, or may advance such expenses.

9. (1) Any retired judge may request in writing to have the judge's name removed from the list of special investigators subject to appointment by the commission or may request to disqualify himself or herself from any investigation. Such request shall include the reasons for seeking removal;

(2) By vote of **at least** four members of the commission, the commission may disqualify a judge from a particular investigation or may permanently remove the name of any retired judge from the list of special investigators subject to appointment by the commission.

10. Any person who is the subject of any investigation pursuant to this section shall be entitled to be represented by counsel at any proceeding before the special investigator or the commission.

11. The provisions of sections 105.957, 105.959 and 105.961 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. The provisions of this section shall not be construed to limit or affect any other remedy or right of appeal or objection.

12. No person shall be required to make or file a complaint to the commission as a prerequisite for exhausting the person's administrative remedies before pursuing any civil cause of action allowed by law.

13. If, in the opinion of the commission, the complaining party was motivated by malice or reason contrary to the spirit of any law on which such complaint was based, in filing the complaint without just cause, this finding shall be reported to appropriate law enforcement authorities. Any person who knowingly files a complaint without just cause, or with malice, is guilty of a class A misdemeanor.

14. A respondent party who prevails in a formal judicial action brought by the commission shall be awarded those reasonable fees and expenses incurred by that party in the formal judicial action, unless the court finds that the position of the commission was substantially justified or that special circumstances make such an award unjust.

15. The special investigator and members and staff of the commission shall maintain confidentiality with respect to all matters concerning a complaint until and if a report is filed with the commission, with the exception of communications with any person which are necessary to the investigation. The report filed with the commission resulting from a complaint acted upon under the provisions of this section shall not contain the name of the complainant or other person providing information to the investigator, if so requested in writing by the complainant or such other person. Any person who violates the confidentiality requirements imposed by this section or subsection 17 of section 105.955 required to be confidential is guilty of a class A misdemeanor and shall be subject to removal from or termination of employment by the commission.

16. Any judge of the court of appeals or circuit court who ceases to hold such office by reason of the judge's retirement and who serves as a special investigator pursuant to this section shall receive annual compensation, salary or retirement for such services at the rates of compensation provided for senior judges by subsections 1, 2 and 4 of section 476.682, RSMo. Such retired judges shall by the tenth day of each month following any month in which the judge provided services pursuant to this section certify to the commission and to the state courts administrator the amount of time engaged in such services by hour or fraction thereof, the dates thereof, and the expenses incurred and allowable pursuant to this section. The commission shall then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent, and within limitations, provided for in this section. The state treasurer upon receipt of such warrant shall pay the same out of any appropriations made for this purpose on the last day of the month during which the warrant was received by the state treasurer."; and,

Further amend said house substitute, section 109.241, page 6, line 1, by inserting all the following immediately after said line:

"130.011. As used in this chapter, unless the context clearly indicates otherwise, the following terms mean:

(1) "Appropriate officer" or "appropriate officers", the person or persons designated in section 130.026 to receive certain required statements and reports;

(2) "Ballot measure" or "measure", any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition, referendum petition, or by the general assembly or any local governmental body having authority to refer proposals to the voter;

(3) "Candidate", an individual who seeks nomination or election to public office. The term "candidate" includes an elected officeholder who is the subject of a recall election, an individual who seeks nomination by the individual's political party for election to public office, an individual standing for retention in an election to an office to which the individual was previously appointed, an individual who seeks nomination or election whether or not the specific elective public office to be sought has been finally determined by such individual at the time the individual meets the conditions described in paragraph (a) or (b) of this subdivision, and an individual who is a "write-in candidate" as defined in subdivision (28) of this section. A candidate shall be deemed to seek nomination or election when the person first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the person's candidacy for office; or

(b) Knows or has reason to know that contributions are being received or expenditures are being made or space or facilities are being reserved with the intent to promote the person's candidacy for office; except that, such individual shall not be deemed a candidate if the person files a statement with the appropriate officer within five days after learning of the receipt of contributions, the making of expenditures, or the reservation of space or facilities disavowing the candidacy and stating that the person will not accept nomination or take office if elected; provided that, if the election at which such individual is supported as a candidate is to take place within five days after the person's learning of the above-specified activities, the individual shall file the statement disavowing the candidacy within one day; or

(c) Announces or files a declaration of candidacy for office;

(4) "Cash", currency, coin, United States postage stamps, or any negotiable instrument which can be transferred from one person to another person without the signature or endorsement of the transferor;

(5) "Check", a check drawn on a state or federal bank, or a draft on a negotiable order of withdrawal account in a savings and loan association or a share draft account in a credit union;

(6) "Closing date", the date through which a statement or report is required to be complete;

(7) "Committee", a person or any combination of persons, who accepts contributions or makes expenditures for the primary or incidental purpose of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee or for the purpose of contributing funds to another committee:

(a) "Committee", does not include:

a. A person or combination of persons, if neither the aggregate of expenditures made nor the aggregate of contributions received during a calendar year exceeds five hundred dollars and if no single contributor has contributed more than two hundred [fifty] **seventy-five** dollars of such aggregate contributions;

b. An individual, other than a candidate, who accepts no contributions and who deals only with the individual's own funds or property;

c. A corporation, cooperative association, partnership, proprietorship, or joint venture organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates or the qualification, passage or defeat of any ballot measure, and it accepts no contributions, and all expenditures it makes are from its own funds or property obtained in the usual course of business or in any commercial or other transaction and which are not contributions as defined by subdivision (12) of this section;

d. A labor organization organized or operated for a primary or principal purpose other than that of influencing or attempting to influence the action of voters for or against the nomination or election to public office of one or more candidates, or the qualification, passage, or defeat of any ballot measure, and it accepts no contributions, and expenditures made by the organization are from its own funds or property received from membership dues or membership fees which were given or solicited for the purpose of supporting the normal and usual activities and functions of the organization and which are not contributions as defined by subdivision (12) of this section;

e. A person who acts as an authorized agent for a committee in soliciting or receiving contributions or in making expenditures or incurring indebtedness on behalf of the committee if such person renders to the committee treasurer or deputy treasurer or candidate, if applicable, an accurate account of each receipt or other transaction in the detail required by the treasurer to comply with all record keeping and reporting requirements of this chapter;

f. Any department, agency, board, institution or other entity of the state or any of its subdivisions or any officer or employee thereof, acting in the person's official capacity;

(b) The term "committee" includes, but is not limited to, each of the following committees: campaign committee, candidate committee, continuing committee and political party committee;

(8) "Campaign committee", a committee, other than a candidate committee, which shall be formed by an individual or group of individuals to receive contributions or make expenditures and whose sole purpose is to support or oppose the qualification and passage of one or more particular ballot measures in an election or the retention of judges under the nonpartisan court plan, such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures, and which shall terminate the later of either thirty days after the general election or upon the satisfaction of all committee debt after the general election, except that no committee retiring debt shall engage in any other activities in support of a measure for which the committee was formed;

(9) "Candidate committee", a committee which shall be formed by a candidate to receive contributions or make expenditures in behalf of the person's candidacy and which shall continue in existence for use by an elected candidate or which shall terminate the later of either thirty days after the general election for a candidate who was not elected or upon the satisfaction of all committee debt after the election, except that no committee retiring debt shall engage in any other activities in support of the candidate for which the committee was formed. Any candidate for elective office shall have only one candidate committee for the elective office sought, which is controlled directly by the candidate for the purpose of making expenditures. A candidate committee is presumed to be under the control and direction of the candidate unless the candidate files an affidavit with the appropriate officer stating that the committee is acting without control or direction on the candidate's part;

(10) "Continuing committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter. "Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions

to influence or attempt to influence the action of voters. Such committee shall be formed no later than thirty days prior to the election for which the committee receives contributions or makes expenditures;

(11) "Connected organization", any organization such as a corporation, a labor organization, a membership organization, a cooperative, or trade or professional association which expends funds or provides services or facilities to establish, administer or maintain a committee or to solicit contributions to a committee from its members, officers, directors, employees or security holders. An organization shall be deemed to be the connected organization if more than fifty percent of the persons making contributions to the committee during the current calendar year are members, officers, directors, employees or security holders of such organization or their spouses;

(12) "Contribution", a payment, gift, loan, advance, deposit, or donation of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification, passage or defeat of any ballot measure, or for the support of any committee supporting or opposing candidates or ballot measures or for paying debts or obligations of any candidate or committee previously incurred for the above purposes. A contribution of anything of value shall be deemed to have a money value equivalent to the fair market value.

"Contribution" includes, but is not limited to:

(a) A candidate's own money or property used in support of the person's candidacy other than expense of the candidate's food, lodging, travel, and payment of any fee necessary to the filing for public office;

(b) Payment by any person, other than a candidate or committee, to compensate another person for services rendered to that candidate or committee;

(c) Receipts from the sale of goods and services, including the sale of advertising space in a brochure, booklet, program or pamphlet of a candidate or committee and the sale of tickets or political merchandise;

(d) Receipts from fund-raising events including testimonial affairs;

(e) Any loan, guarantee of a loan, cancellation or forgiveness of a loan or debt or other obligation by a third party, or payment of a loan or debt or other obligation by a third party if the loan or debt or other obligation was contracted, used, or intended, in whole or in part, for use in an election campaign or used or intended for the payment of such debts or obligations of a candidate or committee previously incurred, or which was made or received by a committee;

(f) Funds received by a committee which are transferred to such committee from another committee or other source, except funds received by a candidate committee as a transfer of funds from another candidate committee controlled by the same candidate but such transfer shall be included in the disclosure reports;

(g) Facilities, office space or equipment supplied by any person to a candidate or committee without charge or at reduced charges, except gratuitous space for meeting purposes which is made available regularly to the public, including other candidates or committees, on an equal basis for similar purposes on the same conditions;

(h) The direct or indirect payment by any person, other than a connected organization, of the costs of establishing, administering, or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee;

(i) "Contribution" does not include:

a. Ordinary home hospitality or services provided without compensation by individuals volunteering their time in support of or in opposition to a candidate, committee or ballot measure, nor the necessary and ordinary personal expenses of such volunteers incidental to the performance of voluntary activities, so long as no compensation is directly or indirectly asked or given;

b. An offer or tender of a contribution which is expressly and unconditionally rejected and returned to the donor within ten business days after receipt or transmitted to the state treasurer;

c. Interest earned on deposit of committee funds;

d. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

(13) "County", any one of the several counties of this state or the city of St. Louis;

(14) "Disclosure report", an itemized report of receipts, expenditures and incurred indebtedness which is prepared on forms approved by the Missouri ethics commission and filed at the times and places prescribed;

(15) "Election", any primary, general or special election held to nominate or elect an individual to public office, to retain or recall an elected officeholder or to submit a ballot measure to the voters, and any caucus or other meeting of a political party or a political party committee at which that party's candidate or candidates for public office are officially selected. A primary election and the succeeding general election shall be considered separate elections;

(16) "Expenditure", a payment, advance, conveyance, deposit, donation or contribution of money or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee; a payment, or an agreement or promise to pay, money or anything of value, including a candidate's own money or property, for the purchase of goods, services, property, facilities or anything of value for the purpose of supporting or opposing the nomination or election of any candidate for public office or the qualification or passage of any ballot measure or for the support of any committee which in turn supports or opposes any candidate or ballot measure or for the purpose of paying a previously incurred campaign debt or obligation of a candidate or the debts or obligations of a committee. An expenditure of anything of value shall be deemed to have a money value equivalent to the fair market value. "Expenditure" includes, but is not limited to:

(a) Payment by anyone other than a committee for services of another person rendered to such committee;

(b) The purchase of tickets, goods, services or political merchandise in connection with any testimonial affair or fund-raising event of or for candidates or committees, or the purchase of advertising in a brochure, booklet, program or pamphlet of a candidate or committee;

(c) The transfer of funds by one committee to another committee;

(d) The direct or indirect payment by any person, other than a connected organization for a committee, of the costs of establishing, administering or maintaining a committee, including legal, accounting and computer services, fund raising and solicitation of contributions for a committee; but

(e) "Expenditure" does not include:

a. Any news story, commentary or editorial which is broadcast or published by any broadcasting station, newspaper, magazine or other periodical without charge to the candidate or to any person supporting or opposing a candidate or ballot measure;

b. The internal dissemination by any membership organization, proprietorship, labor organization, corporation, association or other entity of information advocating the election or defeat of a candidate or candidates or the passage or defeat of a ballot measure or measures to its directors, officers, members, employees or security holders, provided that the cost incurred is reported pursuant to [subsection 2 of] section [130.051] **130.048**;

c. Repayment of a loan, but such repayment shall be indicated in required reports;

d. The rendering of voluntary personal services by an individual of the sort commonly performed by volunteer

campaign workers and the payment by such individual of the individual's necessary and ordinary personal expenses incidental to such volunteer activity, provided no compensation is, directly or indirectly, asked or given;

e. The costs incurred by any connected organization listed pursuant to subdivision (4) of subsection 5 of section 130.021 for establishing, administering or maintaining a committee, or for the solicitation of contributions to a committee which solicitation is solely directed or related to the members, officers, directors, employees or security holders of the connected organization;

f. The use of a candidate's own money or property for expense of the candidate's personal food, lodging, travel, and payment of any fee necessary to the filing for public office, if such expense is not reimbursed to the candidate from any source;

(17) "Exploratory committees", a committee which shall be formed by an individual to receive contributions and make expenditures on behalf of this individual in determining whether or not the individual seeks elective office.

Such committee shall terminate no later than December thirty-first of the year prior to the general election for the possible office;

(18) "Fund-raising event", an event such as a dinner, luncheon, reception, coffee, testimonial, rally, auction or similar affair through which contributions are solicited or received by such means as the purchase of tickets, payment of attendance fees, donations for prizes or through the purchase of goods, services or political merchandise;

(19) "In-kind contribution" or "in-kind expenditure", a contribution or expenditure in a form other than money;

(20) "Labor organization", any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work;

(21) "Loan", a transfer of money, property or anything of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part and which was contracted, used, or intended for use in an election campaign, or which was made or received by a committee or which was contracted, used, or intended to pay previously incurred campaign debts or obligations of a candidate or the debts or obligations of a committee;

(22) "Person", an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity;

(23) "Political merchandise", goods such as bumper stickers, pins, hats, ties, jewelry, literature, or other items sold or distributed at a fund-raising event or to the general public for publicity or for the purpose of raising funds to be used in supporting or opposing a candidate for nomination or election or in supporting or opposing the qualification, passage or defeat of a ballot measure;

(24) "Political party", a political party which has the right under law to have the names of its candidates listed on the ballot in a general election;

(25) "Political party committee", a state, district, county, city, or area committee of a political party, as defined in section 115.603, RSMo, which may be organized as a not-for-profit corporation under Missouri law, and which committee is of continuing existence, and has the primary or incidental purpose of receiving contributions and making expenditures to influence or attempt to influence the action of voters on behalf of the political party;

(26) "Public office" or "office", any state, judicial, county, municipal, school or other district, ward, township, or other political subdivision office or any political party office which is filled by a vote of registered voters;

(27) "Regular session", includes that period beginning on the first Wednesday after the first Monday in January and ending following the first Friday after the second Monday in May;

(28) "Write-in candidate", an individual whose name is not printed on the ballot but who otherwise meets the definition of "candidate" in subdivision (3) of this section.

130.016. 1. No candidate for statewide elected office, general assembly, judicial office other than municipal judge, or municipal office in a city with a population of more than one hundred thousand shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any election in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds five hundred dollars and no single contributor, other than the candidate, has contributed more than two hundred [fifty] **seventy-five** dollars of the aggregate contributions received, provided that:

(1) The candidate files a sworn exemption statement with the appropriate officer that the candidate does not intend to either receive contributions or make expenditures in the aggregate of more than five hundred dollars or receive contributions from any single contributor, other than himself or herself, that aggregate more than two hundred [fifty] **seventy-five** dollars and that the total of all contributions received or expenditures made by the candidate and all committees or any other person with his knowledge and consent in support of his candidacy will not exceed five hundred dollars and that the aggregate of contributions received from any single contributor will not exceed two hundred [fifty] **seventy-five** dollars. Such exemption statement shall be filed no later than the date set forth in section 130.046 on which a disclosure report would otherwise be required if the candidate does not file the exemption statement. The exemption statement shall be filed on a form furnished to each appropriate officer by the executive director of the Missouri ethics commission. Each appropriate officer shall make the exemption statement available to candidates and shall direct each candidate's attention to the exemption statement and explain its purpose to the candidate; and

(2) The sworn exemption statement includes a statement that the candidate understands that records of contributions and expenditures must be maintained from the time the candidate first receives contributions or makes expenditures and that an exemption from filing a statement of organization or disclosure reports does not exempt the candidate from other provisions of this chapter. Each candidate described in subsection 1 of this section, who files a statement of exemption, shall file a statement of limited activity for each reporting period, described in section 130.046.

2. Any candidate who has filed an exemption statement as provided in subsection 1 of this section shall not accept any contribution or make any expenditure in support of the person's candidacy, either directly or indirectly or by or through any committee or any other person acting with the candidate's knowledge and consent, which would cause such contributions or expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section unless the candidate later rejects the exemption pursuant to the provisions of subsection 3 of this section. Any contribution received in excess of such limits shall be returned to the donor or transmitted to the state treasurer to escheat to the state.

3. If, after filing the exemption statement provided for in this section, the candidate subsequently determines the candidate wishes to exceed any of the limits in subdivision (1) of subsection 1 of this section, the candidate shall file a notice of rejection of the exemption with the appropriate officer; however, such rejection shall not be filed later than thirty days before election. A notice of rejection of exemption shall be accompanied by a statement of organization as required by section 130.021 and any other statements and reports which would have been required if the candidate had not filed an exemption statement.

4. A primary election and the immediately succeeding general election are separate elections, and restrictions on contributions and expenditures set forth in subsection 2 of this section shall apply to each election; however, if a successful primary candidate has correctly filed an exemption statement prior to the primary election and has not filed a notice of rejection prior to the date on which the first disclosure report applicable to the succeeding general election is required to be filed, the candidate shall not be required to file an exemption statement for that general election if the limitations set forth in subsection 1 of this section apply to the succeeding general election.

5. A candidate who has an existing candidate committee formed for a prior election for which all statements and

reports required by this chapter have been properly filed shall be eligible to file the exemption statement as provided in subsection 1 of this section and shall not be required to file the disclosure reports pertaining to the election for which the candidate is eligible to file the exemption statement if the candidate and the treasurer or deputy treasurer of such existing candidate committee continue to comply with the requirements, limitations and restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this subsection does not exempt a candidate or the treasurer of the candidate's existing candidate committee from complying with the requirements of subsections 6 and 7 of section 130.046 applicable to a prior election.

6. No nonpartisan candidate for supreme court, circuit court, or associate circuit court, or candidate for political party office, or for county office or municipal office in a city of one hundred thousand or less, or for any special purpose district office shall be required to file an exemption statement pursuant to this section in order to be exempted from forming a committee and filing disclosure reports required of committees pursuant to this chapter if the aggregate of contributions received or expenditures made by the candidate and any other person with the candidate's knowledge and consent in support of the person's candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed two hundred [fifty] **seventy-five** dollars. No candidate for any office listed in this subsection shall be excused from complying with the provisions of any section of this chapter, other than the filing of an exemption statement under the conditions specified in this subsection.

7. If any candidate for an office listed in subsection 6 of this section exceeds the limits specified in subsection 6 of this section, the candidate shall form a committee no later than thirty days prior to the election for which the contributions were received or expended which shall comply with all provisions of this chapter for committees.

130.021. 1. Every committee shall have a treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state. A committee may also have a deputy treasurer who, except as provided in subsection 10 of this section, shall be a resident of this state, to serve in the capacity of committee treasurer in the event the committee treasurer is unable for any reason to perform the treasurer's duties.

2. Every candidate for offices listed in subsection 1 of section 130.016 who has not filed a statement of exemption pursuant to that subsection and every candidate for offices listed in subsection 6 of section 130.016 who is not excluded from filing a statement of organization and disclosure reports pursuant to subsection 6 shall form a candidate committee and appoint a treasurer. Thereafter, all contributions on hand and all further contributions received by such candidate and any of the candidate's own funds to be used in support of the person's candidacy shall be deposited in a candidate committee depository account established pursuant to the provisions of subsection 4 of this section, and all expenditures shall be made through the candidate, treasurer or deputy treasurer of the person's candidate committee. Nothing in this chapter shall prevent a candidate from appointing himself or herself as a committee of one and serving as the person's own treasurer, maintaining the candidate's own records and filing all the reports and statements required to be filed by the treasurer of a candidate committee.

3. A candidate who has more than one candidate committee supporting the person's candidacy shall designate one of those candidate committees as the committee responsible for consolidating the aggregate contributions to all such committees under the candidate's control and direction as required by section 130.041.

4. (1) Every committee shall have a single official fund depository within this state which shall be a federally or state-chartered bank, a federally or state-chartered savings and loan association, or a federally or state-chartered credit union in which the committee shall open and thereafter maintain at least one official depository account in its own name. An "official depository account" shall be a checking account or some type of negotiable draft or negotiable order of withdrawal account, and the official fund depository shall, regarding an official depository account, be a type of financial institution which provides a record of deposits, canceled checks or other canceled instruments of withdrawal evidencing each transaction by maintaining copies within this state of such instruments and other transactions. All contributions which the committee receives in money, checks and other negotiable instruments shall be deposited in a committee's official depository account. Contributions shall not be accepted and expenditures shall not be made by a committee except by or through an official depository account and the committee treasurer, deputy treasurer or candidate. Contributions received by a committee shall not be commingled with any funds of an agent of the committee, a candidate or any other person, except that contributions from a candidate of the candidate's own

funds to the person's candidate committee shall be deposited to an official depository account of the person's candidate committee. No expenditure shall be made by a committee when the office of committee treasurer is vacant except that when the office of a candidate committee treasurer is vacant, the candidate shall be the treasurer until the candidate appoints a new treasurer.

(2) A committee treasurer, deputy treasurer or candidate may withdraw funds from a committee's official depository account and deposit such funds in one or more savings accounts in the committee's name in any bank, savings and loan association or credit union within this state, and may also withdraw funds from an official depository account for investment in the committee's name in any certificate of deposit, bond or security. Proceeds from interest or dividends from a savings account or other investment or proceeds from withdrawals from a savings account or from the sale of an investment shall not be expended or reinvested, except in the case of renewals of certificates of deposit, without first redepositing such proceeds in an official depository account. Investments, other than savings accounts, held outside the committee's official depository account at any time during a reporting period shall be disclosed by description, amount, any identifying numbers and the name and address of any institution or person in which or through which it is held in an attachment to disclosure reports the committee is required to file. Proceeds from an investment such as interest or dividends or proceeds from its sale, shall be reported by date and amount. In the case of the sale of an investment, the names and addresses of the persons involved in the transaction shall also be stated. Funds held in savings accounts and investments, including interest earned, shall be included in the report of money on hand as required by section 130.041.

5. The treasurer or deputy treasurer acting on behalf of any person or organization or group of persons which is a committee by virtue of the definitions of "committee" in section 130.011 and any candidate who is not excluded from forming a committee in accordance with the provisions of section 130.016 shall file a statement of organization with the appropriate officer within twenty days after the person or organization becomes a committee but no later than [the date for filing the first report required pursuant to the provisions of section 130.046] **thirty days prior to the election for which the committee accepts contributions or makes expenditures**. The statement of organization shall contain the following information:

(1) The name, mailing address and telephone number, if any, of the committee filing the statement of organization. If the committee is deemed to be affiliated with a connected organization as provided in subdivision (11) of section 130.011, the name of the connected organization, or a legally registered fictitious name which reasonably identifies the connected organization, shall appear in the name of the committee. If the committee is a candidate committee, the name of the candidate shall be a part of the committee's name;

(2) The name, mailing address and telephone number of the candidate;

(3) The name, mailing address and telephone number of the committee treasurer, and the name, mailing address and telephone number of its deputy treasurer if the committee has named a deputy treasurer;

(4) The names, mailing addresses and titles of its officers, if any;

(5) The name and mailing address of any connected organizations with which the committee is affiliated;

(6) The name and mailing address of its depository, and the name and account number of each account the committee has in the depository;

(7) Identification of the major nature of the committee such as a candidate committee, campaign committee, continuing committee, political party committee, incumbent committee, or any other committee according to the definition of "committee" in section 130.011;

(8) In the case of the candidate committee designated in subsection 3 of this section, the full name and address of each other candidate committee which is under the control and direction of the same candidate, together with the name, address and telephone number of the treasurer of each such other committee;

(9) The name and office sought of each candidate supported or opposed by the committee;

(10) The ballot measure concerned, if any, and whether the committee is in favor of or opposed to such measure.

6. A committee may omit the information required in subdivisions (9) and (10) of subsection 5 of this section if, on the date on which it is required to file a statement of organization, the committee has not yet determined the particular candidates or particular ballot measures it will support or oppose. Any contribution received over the allowable contribution limits described in section 130.032 shall be returned to the contributor by the committee within five business days of the declaration of candidacy or position on a candidate or a particular ballot measure of the committee.

7. A committee which has filed a statement of organization and has not terminated shall not be required to file another statement of organization, except that when there is a change in any of the information previously reported as required by subdivisions (1) to (8) of subsection 5 of this section an amended statement of organization shall be filed within twenty days after the change occurs, but no later than the date of the filing of the next report required to be filed by that committee by section 130.046.

8. Upon termination of a committee, a termination statement indicating dissolution shall be filed not later than ten days after the date of dissolution with the appropriate officer or officers with whom the committee's statement of organization was filed. The termination statement shall include: the distribution made of any remaining surplus funds and the disposition of any deficits; and the name, mailing address and telephone number of the individual responsible for preserving the committee's records and accounts as required in section 130.036.

9. Any statement required by this section shall be signed and attested by the committee treasurer or deputy treasurer, and by the candidate in the case of a candidate committee.

10. A committee domiciled outside this state shall be required to file a statement of organization and appoint a treasurer residing in this state and open an account in a depository within this state; provided that either of the following conditions prevails:

(1) The aggregate of all contributions received from persons domiciled in this state exceeds twenty percent in total dollar amount of all funds received by the committee in the preceding twelve months; or

(2) The aggregate of all contributions and expenditures made to support or oppose candidates and ballot measures in this state exceeds one thousand five hundred dollars in the current calendar year.

11. If a committee domiciled in this state receives a contribution of one thousand five hundred dollars or more from any committee domiciled outside of this state, the committee domiciled in this state shall file a disclosure report with the commission. The report shall disclose the full name, mailing address, telephone numbers and domicile of the contributing committee and the date and amount of the contribution. The report shall be filed within forty-eight hours of the receipt of such contribution if the contribution is received after the last reporting date before the election.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a continuing committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a

fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer, deputy treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of one hundred dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than one hundred dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the record-keeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

- (f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;
- (g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained pursuant to section 130.036.
7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization pursuant to section 130.021 or has filed the reports required by [sections 130.049 and 130.050, whichever is applicable to that committee] **section 130.049.**
8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.
- (1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.
- (2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.
- (3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.
- (4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.
9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.
10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies shall comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter pursuant to subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. It shall be a violation of this chapter for any committee to offer chances to win prizes or money to persons to encourage such persons to endorse, send election material by mail, deliver election material in person or contact persons at their homes; except that, the provisions of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

130.041. 1. Except as provided in subsection 5 of section 130.016, the candidate, if applicable, treasurer or deputy treasurer of every committee which is required to file a statement of organization, shall file a legibly printed or typed disclosure report of receipts and expenditures. The reports shall be filed with the appropriate officer designated in section 130.026 at the times and for the periods prescribed in section 130.046. Except as provided in [sections 130.049 and 130.050] **section 130.049**, each report shall set forth:

(1) The full name, as required in the statement of organization pursuant to subsection 5 of section 130.021, and mailing address of the committee filing the report and the full name, mailing address and telephone number of the committee's treasurer and deputy treasurer if the committee has named a deputy treasurer;

(2) The amount of money, including cash on hand at the beginning of the reporting period;

(3) Receipts for the period, including:

(a) Total amount of all monetary contributions received which can be identified in the committee's records by name and address of each contributor. In addition, the candidate committee shall make a reasonable effort to obtain and report the employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received one or more contributions which in the aggregate total in excess of one hundred dollars and shall make a reasonable effort to obtain and report a description of any contractual relationship over five hundred dollars between the contributor and the state if the candidate is seeking election to a state office or between the contributor and any political subdivision of the state if the candidate is seeking election to another political subdivision of the state;

(b) Total amount of all anonymous contributions accepted;

(c) Total amount of all monetary contributions received through fund-raising events or activities from participants whose names and addresses were not obtained with such contributions, with an attached statement or copy of the statement describing each fund-raising event as required in subsection 6 of section 130.031;

(d) Total dollar value of all in-kind contributions received;

(e) A separate listing by name and address and employer, or occupation if self-employed or notation of retirement, of each person from whom the committee received contributions, in money or any other thing of value, aggregating more than one hundred dollars, together with the date and amount of each such contribution;

(f) A listing of each loan received by name and address of the lender and date and amount of the loan. For each loan of more than one hundred dollars, a separate statement shall be attached setting forth the name and address of the lender and each person liable directly, indirectly or contingently, and the date, amount and terms of the loan;

(4) Expenditures for the period, including:

(a) The total dollar amount of expenditures made by check drawn on the committee's depository;

(b) The total dollar amount of expenditures made in cash;

(c) The total dollar value of all in-kind expenditures made;

(d) The full name and mailing address of each person to whom an expenditure of money or any other thing of value in the amount of more than one hundred dollars has been made, contracted for or incurred, together with the date, amount and purpose of each expenditure. Expenditures of one hundred dollars or less may be grouped and listed by categories of expenditure showing the total dollar amount of expenditures in each category, except that the report shall contain an itemized listing of each payment made to campaign workers by name, address, date, amount and purpose of each payment and the aggregate amount paid to each such worker;

(e) A list of each loan made, by name and mailing address of the person receiving the loan, together with the amount, terms and date;

(5) The total amount of cash on hand as of the closing date of the reporting period covered, including amounts in depository accounts and in petty cash fund;

(6) The total amount of outstanding indebtedness as of the closing date of the reporting period covered;

(7) The amount of expenditures for or against a candidate or ballot measure during the period covered and the cumulative amount of expenditures for or against that candidate or ballot measure, with each candidate being listed by name, mailing address and office sought. For the purpose of disclosure reports, expenditures made in support of more than one candidate or ballot measure or both shall be apportioned reasonably among the candidates or ballot measure or both. In apportioning expenditures to each candidate or ballot measure, political party committees and continuing committees need not include expenditures for maintaining a permanent office, such as expenditures for salaries of regular staff, office facilities and equipment or other expenditures not designed to support or oppose any particular candidates or ballot measures; however, all such expenditures shall be listed pursuant to subdivision (4) of this subsection;

(8) A separate listing by full name and address of any committee including a candidate committee controlled by the same candidate for which a transfer of funds or a contribution in any amount has been made during the reporting period, together with the date and amount of each such transfer or contribution;

(9) A separate listing by full name and address of any committee, including a candidate committee controlled by the same candidate from which a transfer of funds or a contribution in any amount has been received during the reporting period, together with the date and amount of each such transfer or contribution;

(10) Each committee that receives a contribution which is restricted or designated in whole or in part by the contributor for transfer to a particular candidate, committee or other person shall include a statement of the name and address of that contributor in the next disclosure report required to be filed after receipt of such contribution, together with the date and amount of any such contribution which was so restricted or designated by that contributor, together with the name of the particular candidate or committee to whom such contribution was so designated or restricted by that contributor and the date and amount of such contribution.

2. For the purpose of this section and any other section in this chapter except [sections 130.049 and 130.050] **section 130.049** which requires a listing of each contributor who has contributed a specified amount, the aggregate amount shall be computed by adding all contributions received from any one person during the following periods:

(1) In the case of a candidate committee, the period shall begin on the date on which the candidate became a candidate according to the definition of the term "candidate" in section 130.011 and end at 11:59 p.m. on the day of the primary election, if the candidate has such an election or at 11:59 p.m. on the day of the general election. If the candidate has a general election held after a primary election, the next aggregating period shall begin at 12:00 midnight on the day after the primary election day and shall close at 11:59 p.m. on the day of the general election. Except that for contributions received during the thirty-day period immediately following a primary election, the candidate shall designate whether such contribution is received as a primary election contribution or a general election contribution;

(2) In the case of a campaign committee, the period shall begin on the date the committee received its first contribution and end on the closing date for the period for which the report or statement is required;

(3) In the case of a political party committee or a continuing committee, the period shall begin on the first day of January of the year in which the report or statement is being filed and end on the closing date for the period for which the report or statement is required; except, if the report or statement is required to be filed prior to the first day of July in any given year, the period shall begin on the first day of July of the preceding year.

3. The disclosure report shall be signed and attested by the committee treasurer or deputy treasurer and by the candidate in case of a candidate committee.

4. The words "consulting or consulting services, fees, or expenses", or similar words, shall not be used to describe the purpose of a payment as required in this section. The reporting of any payment to such an independent contractor shall be on a form supplied by the appropriate officer, established by the ethics commission and shall include identification of the specific service or services provided including, but not limited to, public opinion polling, research on issues or opposition background, print or broadcast media production, print or broadcast media purchase, computer programming or data entry, direct mail production, postage, rent, utilities, phone solicitation, or fund raising, and the dollar amount prorated for each service.

130.046. 1. The disclosure reports required by section 130.041 for all committees shall be filed at the following times and for the following periods:

(1) Not later than the eighth day before an election for the period closing on the twelfth day before the election if the committee has made any contribution or expenditure either in support or opposition to any candidate or ballot measure;

(2) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election, if the committee has made any contribution or expenditure either in support of or opposition to any candidate or ballot measure; except that, a successful candidate who takes office prior to the twenty-fifth day after the election shall have complied with the report requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; and

(3) Not later than the fifteenth day following the close of each calendar quarter.

Notwithstanding the provisions of this subsection, if any committee accepts contributions or makes expenditures in support of or in opposition to a ballot measure or a candidate, and the report required by this subsection for the most recent calendar quarter is filed prior to the fortieth day before the election on the measure or candidate, the committee shall file an additional disclosure report not later than the fortieth day before the election for the period closing on the forty-fifth day before the election.

2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition or referendum petition, or a recall petition seeking to remove an incumbent from office, disclosure reports relating to the time for filing such petitions shall be made as follows:

(1) In addition to the disclosure reports required to be filed pursuant to subsection 1 of this section the treasurer of a committee, other than a continuing committee, supporting or opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent from office shall file an initial disclosure report fifteen days after the committee begins the process of raising or spending money. After such initial report, the committee shall file quarterly disclosure reports as required by subdivision (3) of subsection 1 of this section until such time as the reports required by subdivisions (1) and (2) of subsection 1 of this section are to be filed. In addition the committee shall file a second disclosure report no later than the fifteenth day after the deadline date for submitting such petition. The period covered in the initial report shall begin on the day the committee first accepted contributions or made expenditures to support or oppose the petition effort for qualification of the measure and shall close on the fifth day prior to the date of the report;

(2) If the measure has qualified to be on the ballot in an election and if a committee subject to the requirements of subdivision (1) of this subsection is also required to file a preelection disclosure report for such election any time

within thirty days after the date on which disclosure reports are required to be filed in accordance with subdivision (1) of this subsection, the treasurer of such committee shall not be required to file the report required by subdivision (1) of this subsection, but shall include in the committee's preelection report all information which would otherwise have been required by subdivision (1) of this subsection.

3. The candidate, if applicable, treasurer or deputy treasurer of a committee shall file disclosure reports pursuant to this section, except for any calendar quarter in which the contributions received by the committee or the expenditures or contributions made by the committee do not exceed five hundred dollars. The reporting dates and periods covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September. No candidate, treasurer or deputy treasurer shall be required to file the quarterly disclosure report required not later than the fifteenth day of any January immediately following a November election, provided that such candidate, treasurer or deputy treasurer shall file the information required on such quarterly report on the quarterly report to be filed not later than the fifteenth day of April immediately following such November election. Each report by such committee shall be cumulative from the date of the last report. In the case of the continuing committee's first report, the report shall be cumulative from the date of the continuing committee's organization. Every candidate, treasurer or deputy treasurer shall file, at a minimum, the campaign disclosure reports covering the quarter immediately preceding the date of the election and those required by subdivisions (1) and (2) of subsection 1 of this section. A continuing committee shall submit additional reports if it makes aggregate expenditures, other than contributions to a committee, of five hundred dollars or more, within the reporting period at the following times for the following periods:

(1) Not later than the [seventh] **eighth** day before an election for the period closing on the twelfth day before the election;

(2) Not later than forty-eight hours after aggregate expenditures of five hundred dollars or more are made after the twelfth day before the election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election.

4. The reports required to be filed no later than the thirtieth day after an election and any subsequently required report shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed; except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term candidate in section 130.011.

5. Notwithstanding any other provisions of this chapter to the contrary:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be filed quarterly; provided that, any other report required to be filed prior to the primary election and all other reports required to be filed not later than the [seventh] eighth day before the general election are filed no later than the final dates for filing such reports;

(b) If there are less than eighty-five days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the thirtieth day after the primary election need not be filed; provided that any report required to be filed prior to the primary election and any other report required to be filed prior to the general election are filed no later than the final dates for filing such reports; and

(2) No disclosure report needs to be filed for any reporting period if during that reporting period the committee has neither received contributions aggregating more than five hundred dollars nor made expenditure aggregating more than

five hundred dollars and has not received contributions aggregating more than two hundred [fifty] **seventy-five** dollars from any single contributor **and if the committee's treasurer files a statement with the appropriate officer that the committee has not exceeded the identified thresholds in the reporting period.** Any contributions received or expenditures made which are not reported because [of] this statement is filed in lieu of a disclosure report shall be included in the next disclosure report filed by the committee. [A] **This** report shall **not** be filed [for] **in lieu** of two or more consecutive disclosure [quarters] **periods** if either the contributions received or expenditures made in the aggregate during those reporting periods exceed five hundred dollars [and a report]. **This statement** shall **not** be filed **in lieu of the report** not later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate officer for each succeeding semiannual period until the deficit is reported in a disclosure report as being reduced to five thousand dollars or less; except that, a supplemental semiannual report shall not be required for any semiannual period which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for semiannual reports shall be not later than the fifteenth day of January and July for periods closing on the thirty-first day of December and the thirtieth day of June;

(2) Committees required to file reports pursuant to subsection 2 or 3 of this section which are not otherwise required to file disclosure reports for an election shall file semiannual reports as required by this subsection if their last required disclosure report shows a total of unpaid loans and other outstanding obligations in excess of five thousand dollars.

7. In the case of a committee which disbands and is required to file a termination statement pursuant to the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the candidate, committee treasurer or deputy treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

8. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report and a report postmarked not later than midnight of the day previous to the day designated for filing the report shall be deemed to have been filed in a timely manner. The appropriate officer may establish a policy whereby disclosure reports may be filed by facsimile transmission.

130.049. **1.** An out-of-state committee which according to the provisions of subsection 10 of section 130.021 is not required to file a statement of organization and is not required to file the full disclosure reports required by section 130.041 shall file reports with the Missouri ethics commission according to the provisions of [such sections] **this subsection** if the committee makes contributions or expenditures in support of or in opposition to candidates or ballot measures in this state in any election covered by this chapter or makes contributions to any committee domiciled in this state. An initial report shall be filed no later than fourteen days prior to the date such out-of-state committee first makes a contribution or expenditure in this state[. Such initial report shall state the name and address of the committee receiving such contributions or expenditures.], **and thereafter reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of section 130.046.** The contributions or expenditures shall be made no later than thirty days prior to the election. [The out-of-state committee thereafter shall file copies of the campaign disclosure report required to be filed in the domicile of the committee with the Missouri ethics commission as required by subsections 1 to 3 of section 130.046.] No candidate or committee may accept any contribution made by a committee domiciled outside this state unless the provisions of this section are met.

2. Each out-of-state committee report shall contain:

(1) The full name, address and domicile of the committee making the report and the name, residential and business addresses, domicile and telephone numbers of the committee's treasurer;

(2) The name and address of any entity such as a labor union, trade or business or professional association, club

or other organization or any business entity with which the committee is affiliated;

(3) A statement of the total dollar amount of all funds received by the committee in the current calendar year and a statement of the total contributions in the same period from persons domiciled in this state and a list by name, address, date and amount of each Missouri resident who contributed an aggregate of more than two hundred dollars in the current calendar year;

(4) A list by name, address, date and amount regarding any contributor to the out-of-state committee, regardless of state of residency, who made a contribution during the reporting period which was restricted or designated in whole or in part for use in supporting or opposing a candidate, ballot measure or committee in this state or was restricted for use in this state at the committee's discretion or a statement that no such contributions were received;

(5) A statement as to whether the committee is required to file reports with the Federal Election Commission and a listing of agencies in other states with which the committee files reports, if any;

(6) A separate listing showing contributions made in support of or opposition to each candidate or ballot measure in this state, together with the date and amount of each contribution;

(7) A separate listing showing contributions made to any committee domiciled in the state with the date and amount of each contribution.

[130.050. 1. An out-of-state committee which, according to the provisions of subsection 10 of section 130.021, is not required to file a statement of organization and is not required to file the full disclosure reports required by section 130.041 shall file reports with the Missouri ethics commission according to the provisions of this subsection if the committee makes contributions or expenditures in support of or in opposition to candidates or ballot measures in this state in any election covered by this chapter or makes contributions to any committee domiciled in this state. An initial report shall be filed on or within fourteen days prior to the date such out-of-state committee first makes a contribution or expenditure in this state, and thereafter reports shall be filed at the times and for the reporting periods prescribed in subsection 1 of section 130.046. Each report shall contain:

(1) The full name, address and domicile of the committee making the report and the name, residential and business addresses, domicile and telephone numbers of the committee's treasurer;

(2) The name and address of any entity such as a labor union, trade or business or professional association, club or other organization or any business entity with which the committee is affiliated;

(3) A statement of the total dollar amount of all funds received by the committee in the current calendar year and a statement of the total contributions in the same period from persons domiciled in this state and a list by name, address, date and amount of each Missouri resident who contributed an aggregate of more than two hundred dollars in the current calendar year;

(4) A list by name, address, date and amount regarding any contributor to the out-of-state committee, regardless of state of residency, who made a contribution during the reporting period which was restricted or designated in whole or in part for use in supporting or opposing a candidate, ballot measure or committee in this state or was restricted for use in this state at the committee's discretion, or a statement that no such contributions were received;

(5) A statement as to whether the committee is required to file reports with the Federal Election Commission, and a listing of agencies in other states with which the committee files reports, if any;

(6) A separate listing showing contributions made in support of or opposition to each candidate or ballot measure in this state, together with the date and amount of each contribution;

(7) A separate listing showing contributions made to any committee domiciled in this state with the date and amount of each contribution.

2. In the case of a political party committee's selection of an individual to be the party's nominee for public office in an election covered by this chapter, any individual who seeks such nomination and who is a candidate according to the definition of the term candidate in section 130.011 shall be required to comply with all requirements of this chapter; except that, for the purposes of this subsection, the reporting dates and reporting periods in section 130.046 shall not apply, and the first reporting date shall be no later than the fifteenth day after the date on which a nomination covered by this subsection was made and for the period beginning on the date the individual became a candidate, as the term candidate is defined in section 130.011, and closing on the tenth day after the date the nomination was made, with subsequent reports being made as closely as practicable to the times required in section 130.046.

3. The receipt of any late contribution or loan of more than two hundred fifty dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later than forty-eight hours after receipt. For purposes of this subsection the term "late contribution or loan" means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself. The disclosure report of a late contribution may be made by any written means of communication, setting forth the name and address of the contributor or lender and the amount of the contribution or loan and need not contain the signatures and certification required for a full disclosure report described in section 130.041. A late contribution or loan shall be included in subsequent disclosure reports without regard to any special reports filed pursuant to this subsection.]

130.056. 1. The executive director of the Missouri ethics commission shall:

(1) Take such steps as are necessary to disseminate among the general public such information as may serve to guide all persons who are or may become subject to the provisions of this chapter for the purpose of facilitating voluntary compliance with the purposes and provisions of this chapter;

(2) Be responsible for expediting the filing of all reports, statements and other information required to be filed pursuant to the provisions of this chapter and, in connection therewith, be responsible for developing procedures whereby all candidates shall be informed of the provisions of section 130.016 so as to assure the timely filing of statements which some candidates are eligible to file as provided in section 130.016;

(3) Develop and publish forms and printed instructional material and furnish such forms and instructions to persons required to file reports and statements pursuant to the provisions of this chapter, together with a summary of the provisions of chapter 115, RSMo, which apply to candidates and committees covered by this chapter, provided, however, such forms shall not seek information which is not specifically required by this chapter. All forms furnished pursuant to this chapter shall clearly state in readable type on the face of the form the date on which the form became effective. The forms published by the executive director shall provide for compliance with reporting and other provisions of this chapter. Any report form published by the executive director for purposes of compliance with section 130.041 shall provide for reporting contributions from individuals, corporations, labor organizations and fictitious entities and contributions from committees on the same form. Contributions from committees shall be listed first on each report form. All expenditures shall also be reported on a single report form;

(4) Develop a filing, coding and cross-indexing system for reports and statements required to be filed with the Missouri ethics commission, and preserve such reports and statements for a period of not less than five years from date of receipt;

(5) Make the reports and statements filed with the Missouri ethics commission available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;

(6) Examine each report and statement filed with the Missouri ethics commission pursuant to the requirements of this chapter to determine if the statements are properly completed and filed within the time required by this chapter;

- (7) Notify a person required to file a report or statement pursuant to this chapter with the Missouri ethics commission immediately if, upon examination of the official ballot or other circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;
- (8) From reports filed with the Missouri ethics commission, prepare and publish an annual report including compilations of amounts contributed and expended for the influencing of nominations and elections;
- (9) Prepare and publish such other reports as the Missouri ethics commission deems appropriate;
- (10) Disseminate statistics, summaries, and reports prepared under this chapter;
- (11) Employ staff and retain such contract services, including legal services to represent the commission before any state agency or before the courts as the executive director deems necessary within the limits authorized by appropriation by the general assembly.

2. Each appropriate officer other than the executive director of the Missouri ethics commission shall:

- (1) Assist the executive director in furnishing forms and printed instructional material to persons required to file reports and statements pursuant to the provisions of this chapter;
- (2) Accept reports and statements required to be filed with the person's office;
- (3) Develop for the officer's constituency a filing, coding, and cross-indexing system consonant with the purposes of this chapter;
- (4) Make the reports and statements filed with the officer available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day after which a report was received, and permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person, but no information obtained from such reports and statements shall be sold or utilized by any person for any commercial purpose;
- (5) Preserve such reports and statements for a period of not less than five years from the date of receipt;
- (6) Examine each report and statement filed with the person's office pursuant to the requirements of this chapter to determine if the reports and statements appear to be complete and filed within the required time;
- (7) Notify a person required to file a report or statement pursuant to this chapter immediately if, upon examination of the circumstances surrounding any election, it appears that the person has failed to file a report or statement as required by law;
- (8) Notify the Missouri ethics commission if the person has reasonable cause to believe that a violation of this chapter has occurred;
- (9) Assess every candidate for state or local office failing to file with a local election authority pursuant to section 130.026, a campaign disclosure report as required by this chapter other than the report required pursuant to subdivision (1) of subsection 1 of section 130.046, a late filing fee of ten dollars for each day such report is due to the election authority. The local election authority shall mail a notice, by registered mail, to any candidate and candidate committee treasurer and deputy treasurer who fails to file such report informing such person of such failure and the fees provided by this subdivision. If the candidate persists in such failure for a period in excess of thirty days beyond the receipt of such notice, the amount of the late filing fee shall increase to one hundred dollars for each day that the report is not filed, provided that the total amount of such fees assessed pursuant to this subsection per report shall not exceed three hundred dollars. **Any fee collected pursuant to this subdivision shall be deposited to the credit of such county's county school fund pursuant to section 166.131, RSMo.**

3. Any person receiving from an appropriate officer a copy of, or who is permitted to inspect or make a copy of, any

report or statement filed pursuant to the requirements of this chapter shall sign a statement that the person will not utilize the reports or statements or any information thereon for any commercial use, except for public news reporting, whatsoever and will not transfer the information obtained to any other persons for such purposes. It shall be the responsibility of each appropriate officer to instruct any person making a request to inspect, copy or receive a copy of any report or statement or any portion of a report or statement filed pursuant to this chapter that the utilization of any information obtained from such reports for any commercial purpose is a violation of this chapter.

130.062. In the case of a political party committee's selection of an individual to be the party's nominee for public office in an election, any individual who seeks such nomination and who is a candidate as that term is defined in section 130.011 shall be required to comply with all requirements of this chapter; except that, for the purposes of this section, the reporting dates and reporting periods in section 130.046 shall not apply, and the first reporting date shall be no later than the fifteenth day after the date on which a nomination covered by this subsection was made and for the period beginning on the date the individual became a candidate, as that term is defined in section 130.011, and closing on the tenth day after the nomination was made, with subsequent reports being made as closely as practicable to the times required in section 130.046.

130.063. The receipt of any late contribution or loan of more than two hundred seventy-five dollars by a candidate committee supporting a candidate for statewide office or by any other committee shall be reported to the appropriate officer no later than forty-eight hours after receipt. For purposes of this subsection the term "late contribution or loan" means a contribution or loan received after the closing date of the last disclosure report required to be filed before an election but received prior to the date of the election itself. The disclosure report of a late contribution may be made by any written means of communication, setting forth the name and address of the contributor or lender and the amount of the contribution or loan and need not contain the signatures and certification required for a full disclosure report described in section 130.041. A late contribution or loan shall be included in subsequent disclosure reports without regard to any special reports filed pursuant to this section.

130.081. 1. Any person who [purposely] **knowingly** violates the provisions of this chapter is guilty of a class A misdemeanor.

2. Any person who fails to file any report or statement required by this chapter within the time periods specified in sections 130.011 to [130.051] **130.049** is guilty of an infraction.

3. Notwithstanding any other provision of law which bars prosecutions for any offenses other than a felony unless commenced within one year after the commission of the offense, any offense under the provisions of this chapter may be prosecuted if the indictment be found or prosecution be instituted within three years after the commission of the alleged offense.

4. Any prohibition to the contrary notwithstanding, no person shall be deprived of the rights, guarantees, protections or privileges accorded by sections 130.011 to 130.026, 130.031 to 130.068, 130.072, and 130.081 by any person, corporation, entity or political subdivision."; and,

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 15, Section 610.010, Line 2 of said page, by inserting after the word "**Missouri**" the following:

"System established in section 172.020, RSMo, as "The Curators of the University of Missouri".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 4, Section 109.120, Line 14, by inserting immediately following said line the following:

"4. When video tapes are recorded by a law enforcement agency of this state, said video tapes, shall be retained by the law enforcement agency for a period of three hundred sixty-five (365) days. After three hundred sixty-five (365) days, said video tapes may be destroyed or reused by the law enforcement agency at their discretion."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 26, Section 610.027, Line 15, by inserting immediately after said line the following:

"610.333 In addition to the requirements established pursuant to the federal Family Educational Rights and Privacy Act, an institution of higher education shall not disclose any information contained in the student's education records to a parent or guardian of a student who is eighteen years of age or older. The provisions of this section shall not apply if such student is financially dependent, as defined in Section 152 of the federal Internal Revenue Code of 1954, or if the records are requested through subpoena or judicial order. Any student may waive the right granted in this section by signing a consent form for such disclosures with the institution at which he or she is enrolled at the beginning of each academic year."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 26, Section 610.027, Line 15 of said page, by inserting after said line the following:

"Section 1. The provisions of section 191.940, RSMo, shall not prohibit the disclosure of information regarding an individual regarding an individual to a person if such person has an obligation to arrange for or provide medical care or treatment to that individual, including release of information to a parent or legal guardian regarding an unemancipated minor child."; and

Further amend the title and enacting clause of said bill accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 1, Section A, Line 13 of said page, by inserting immediately after said line the following:

"28.681. 1. Any statement, document or notice required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, except any document or judicial decree relating to his or her statutory or constitutional duties relating to elections, may be filed, transmitted, stored and maintained in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need be submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice filed with the secretary of state be signed by any person shall be satisfied by an electronically transmitted identification in a format prescribed by the secretary of state. [signature that is:

- (1) Unique to the person using it;**
- (2) Capable of verification;**
- (3) Under the sole control of the person using it;**

(4) Linked to the document in such a manner that if the data is changed, the signature is invalidated; and

(5) Intended by the party using it to have the same force and effect as the use of a manual signature.]

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated [digital signature] **identification in a format prescribed by the secretary of state.** The execution of any statement, document or notice [with a digital signature] pursuant to this subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice, or are otherwise required to file such statement, document or notice.

4. The secretary of state may promulgate rules to effectuate the provisions of this section.

[28.681. 1. Any statement, document or notice required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, except any document or judicial decree relating to his or her statutory or constitutional duties relating to elections, may be filed, transmitted, stored and maintained in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need be submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice be signed by any person shall be satisfied by an electronically transmitted signature that is:

(1) Unique to the person using it;

(2) Capable of verification;

(3) Under the sole control of the person using it;

(4) Linked to the document in such a manner that if the data are changed, the signature is invalidated; and

(5) Intended by the party using it to have the same force and effect as the use of a manual signature.

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized shall be satisfied by a properly authenticated digital signature. The execution of any statement, document or notice with a digital signature pursuant to this subsection constitutes an affirmation under penalties of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice or are otherwise required to file such statement, document or notice.]; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 18, Section 610.010, Line 22, by adding a comma after the word "closed" and on Line 23, by adding after the word "meeting" the following: "when the vote on an issue is not unanimous,".

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 17, Section 610.010, Line 7, by inserting the following:

"(g) Any bi-state development agency established pursuant to section 70.370. RSMo;".

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 4, Section 109.241, Page 4, by inserting the number 1 before "The head of each local agency shall" and by inserting after said Section 109.241 on Page 6 the following:

"2. The Secretary of State may adopt rules to authorize the electronic facsimile filing of any document filed with the Secretary under any provision administered by the Secretary. The rules may set forth standards for the acceptance of a form of signature other than the proper handwriting of a person. A signature or document filed by electronic facsimile in accordance with rules promulgated pursuant to this section shall be prima facie evidence for all purposes that the document actually was signed by the person whose signature appears on the facsimile."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Section 610.010, Page 24, Line 6 of said page, by inserting immediately after the word "**restructuring**" the following:

"; and

(19) Records relating to individually identifiable residential utility customers".

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 14, Section 197.160, Line 5 of said page, by inserting after all of said line the following:

"197.370. Sections 197.370 to 197.398 shall be known as the "Missouri Health Facilities Review Law".

197.372. The "Office of Health Facilities Review", whose purpose is to achieve the highest level of health for Missourians through cost containment, reasonable access, appropriate level of competitive choice, public accountability and preventing unnecessary duplication, is hereby established within the department of health.

197.374. As used in sections 197.370 to 197.398 the following terms mean:

- (1) "Committee", as defined in section 197.376;**
- (2) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;**
- (3) "Filed" or "filing", delivery to the staff of the committee an application and the appropriate application fee;**
- (4) "First-time service", includes the following that are new units of service in a specific location or for a mobile unit:
 - (a) Magnetic resonance imaging (MRI), positron emission tomography (PET) and linear acceleration;**
 - (b) Open heart surgery;**
 - (c) Cardiac catheterization;**
 - (d) Lithotripsy;**
 - (e) Gamma knife; or**
 - (f) Other emerging technology that exceeds two million dollars.****

(5) "Health care facilities", hospitals, intermediate care facilities, residential care facility I or II, skilled nursing facilities, diagnostic imaging centers, radiation therapy centers, ambulatory surgical facilities and licensed speciality units but excludes the private offices of physicians, dentists and other practitioners of the healing arts, including Christian Science sanatoriums;

(6) "New institutional health service":

(a) The development of a new health care facility;

(b) The acquisition, including acquisition by lease, of any health care facility, except for intermediate care facilities, residential care facilities I and II, or skilled cared facilities, or facility to house a first-time service;

(c) Any change in the licensed bed capacity of a hospital that increases the total number of beds by more than ten beds or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(d) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(e) A reallocation by an existing health care facility of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(7) "Nonreviewable projects", those renovation or replacement projects in a current location whose cost is below seven million five hundred thousand dollars or new ambulatory surgical facilities costing one million five hundred thousand dollars or below, including capital and operating lease costs if applicable, which provides services to patients receiving Medicaid or Medicare. This subsection shall not apply to intermediate care facilities, residential care facilities I and II, and skilled nursing facilities;

(8) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new institutional health service, but which include an expenditure over seven million five hundred thousand dollars and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(9) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality of thereof, including a municipal corporation;

(10) "Review certification", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.370 to 197.398;

(11) "Total project cost", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and includes but is not limited to land, buildings, capital improvements and all other costs necessary to establish a first-time service or a new institutional health service.

197.376. 1. The "Missouri Health Facilities Review Committee" is hereby established under the department of health. The office of health facilities review shall provide clerical and administrative support to the committee and shall be subject to all policies and procedures of the department of health, including employment policies.

2. Those members serving in 2001 shall complete their terms and upon the expiration of such terms, the committee shall be composed of:

(1) Five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be from the same political party. Three members shall be appointed in odd numbered years and

two members shall be appointed in even numbered years for two year terms, each serving no more than six years; and

(2) The director of the division of health standards and licensure within the department of health or his or her designee;

(3) The director of the division of aging or his or her designee;

(4) Two members of the senate appointed by the president pro tem, who shall be from different political parties; and

(5) Two members of the house of representatives appointed by the speaker who shall be from different political parties.

3. No business of this committee shall be performed without a majority of the full body.

4. The committee shall elect a chairman at the first meeting of each odd numbered year. The committee shall meet at least twice a year or as determined by rule.

5. Members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

6. The proceedings and records of the committee shall be subject to the provisions of chapter 610, RSMo.

197.378. The health facilities review committee shall:

(1) Review and approve or disapprove all applications for a review certification made under sections 197.370 to 197.398. It shall issue reasonable rules and regulations governing the submission, review, and disposition of applications;

(2) Notify the applicant within fifteen days of the date of filing of an application as to the completeness of such application as defined by rule;

(3) Provide written notification to persons located within this state at the beginning of a review. The notification may be given through publication of the review schedule in all newspapers of general circulation in the area to be served;

(4) Hold public hearings on all applications when a request in writing is filed by any person within thirty days from the date of publication of the notification of review;

(5) Within one hundred days of the filing of any application, issue in writing its approval or denial of the review certification; provided, that the committee may grant an extension of not more than thirty days on its own initiative or upon the written request of any person;

(6) Send to the applicant a copy of the aforesaid decisions with copies available to any person upon request;

(7) Consider the needs and circumstances of institutions providing training programs for health personnel;

(8) Consider the predominant ethnic, cultural, or religious compositions of the residents to be served by a health care facility in considering whether to grant a review certification;

(9) Failure by the committee to issue a written decision on an application for review certification within the time required by this section shall constitute approval of the final administrative action on the application and is subject to appeal pursuant to section 197.382 only on the question of approval.

197.380. 1. Any person who proposes to develop or offer a new institutional health service or a first-time service

shall submit a letter of intent to the committee at least thirty days prior to the filing of the application.

2. An application fee must accompany each application for a review certification. The time of filing commences with the receipt of the application and the fee. The fee is one thousand dollars, or one-tenth of one percent of the total project cost, whichever is greater. All application fees shall be deposited in the state treasury. The general assembly will appropriate funds to the Missouri health facilities review committee.

197.382. Within thirty days of the decision of the committee, only the applicant may file an appeal pursuant to chapter 621, RSMo. Any subsequent appeal shall be to the circuit court of the county in which such health care service or facility is proposed to be developed.

197.384. 1. Prior to May 31, 2004, any person who proposes to develop or offer a new institutional health service must obtain a review certification from the committee prior to the time such services are offered.

2. Prior to May 31, 2004, any person who proposes a first-time service must obtain a review certification from the committee prior to the time such services are offered.

3. Any person who proposes to add new, not previously licensed, beds to an existing hospital, intermediate care facility, residential care facility I or II or skilled nursing facility must obtain a review certification. This shall not preclude the transfer of already licensed beds as defined in section 197.374.

4. Prior to May 31, 2004, any person who proposes to renovate or replace a project in a current location whose cost is over seven million five hundred thousand dollars must obtain a review certification.

5. Any person who proposes renovation, replacement or expansion in excess of ten million dollars shall demonstrate a level of uncompensated care equal to five percent of net operating revenue for the three fiscal years preceding the year in which the application for review certification is filed.

6. Those new institutional health services, first-time services, or addition of beds, that are found by the committee to meet the health needs of the community served pursuant to section 197.390, shall be granted a review certification.

7. A review certification shall be issued only for the premises and persons named in the application and is not transferable except by the consent of the committee.

8. Project cost increases, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

9. Periodic reports to the committee shall be required of any applicant who has been granted a review certification until the project has been completed. The committee may order the forfeiture of the review certification upon failure of the applicant to file any such report.

10. A review certification shall be subject to forfeiture for failure to incur expenditures equal to twenty percent of the total approved cost of the project within twelve months after the date of the order. The applicant may request an extension from the committee of not more than six additional months to avoid forfeiture.

11. No state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed and is required to have a review certification, without first obtaining a review certification.

12. No state agency may appropriate or grant funds to or make payment of any funds to any person or health care facility that has not first obtained every review certification required pursuant to sections 197.370 to 197.398.

13. In no event shall a review certification be denied because the applicant refuses to provide abortion services

or information.

14. A review certification shall not be required for the transfer of ownership of an existing and operational health care facility in its entirety.

15. A review certification may be granted for something less than that which was sought in the original application.

16. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a review certification shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a review certification must be obtained for continued use in such facility.

17. The provisions of subsections 1, 2 and 4 of this section shall expire on May 31, 2004.

197.386. Review certification is not required for:

(1) Facilities operated by the state. Appropriation of funds to such facilities by the general assembly shall be in compliance, and such facilities shall be deemed to have received an appropriate review certification without any fee or charge;

(2) Facilities which are licensed pursuant to the provisions of chapter 198, RSMo, which are designed and operated exclusively for the care and treatment of persons with acquired human immunodeficiency syndrome (AIDS). Only AIDS patients shall be residents of such a facility and no others. Any facility that violates this provision shall be liable for a fine of one hundred dollars per resident per day for each such violation;

(3) Nonreviewable projects as per subdivision (7) of section 197.374.

197.388. 1. After July 1, 1983, no review certification shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), excepting those which are not subject to a review certification; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No review certification shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1, 2003, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a review certification for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to January 1, 2004.

2. The health facilities review committee shall utilize demographic data from the office of social and economic data analysis, or its successor organization, at the University of Missouri as their source of information in considering applications for new institutional long-term care facilities.

197.390. 1. The provisions of section 197.388 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of health has first

determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a review certification. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification.

2. The Missouri health facilities review committee may, for any facility certified to it by the department, consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a review certification.

3. There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3) of section 197.388. The provisions of this subsection shall expire January 1, 2003.

4. As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.

5. The provisions of section 197.388 shall not apply to any facility where at least ninety-five percent of the patients require diets meeting the dietary standards defined by section 196.165, RSMo.

6. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria and standards for long-term care beds.

7. Sections 197.370 to 197.398 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

8. Notwithstanding any other provision of this chapter to the contrary:

(1) A facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(a) Submitting a letter of intent to expand to the division of aging and the health facilities review committee;

(b) Certification from the division of aging that the facility:

a. Has no patient care class I deficiencies within the last eighteen months; and

b. Has maintained a ninety-percent average occupancy rate for the previous six quarters;

(c) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a review certification for the expansion of the purchaser facility upon surrender of the seller's license; or

(e) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has

experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

b. A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(2) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(3) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(4) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual long-term care licensed beds to facilities qualifying pursuant to paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished.

9. Any existing licensed and operating health care facility offering long-term care services may replace one-half of its licensed beds at the same site or a site not more than thirty miles from its current location if, for at least the most recent four consecutive calendar quarters, the facility operates only fifty percent of its then licensed capacity with every resident residing in a private room. In such case:

(1) The facility shall report to the division of aging vacant beds as unavailable for occupancy for at least the most recent four consecutive calendar quarters;

(2) The replacement beds shall be built to private room specifications and only used for single occupancy; and

(3) The existing facility and proposed facility shall have the same owner or owners, regardless of corporate or business structure, and such owner or owners shall stipulate in writing that the existing facility beds to be replaced will not later be used to provide long-term care services. If the facility is being operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

10. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198, RSMo, from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility.

197.394. 1. Any person who is paid to support or oppose any project before the committee shall register with the staff of the committee for every project in which such person has an interest. The registration shall also include the names and addresses of any person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478, RSMo.

2. Any person regulated by chapter 197 or 198, RSMo, and any officer, attorney, agent and employee thereof, shall not offer to any committee member or to any member of the committee staff, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind while such application is pending before the

committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class D felony.

197.396. For the purposes of reimbursement under section 208.152, RSMo, project costs for new institutional health services in excess of ten percent of the initial project estimate shall not be eligible for reimbursement for the first three years that a facility receives payment for services provided under section 208.152, RSMo. The initial estimate shall be that amount for which the original review certification was obtained. Reimbursement for these excess costs after the first three years shall not be made until a review certification has been granted for the excess project costs. The provisions of this section shall apply only to facilities which file an application for a review certification or make application for cost-overrun review of their original application or waiver.

197.397. The health facilities review committee shall submit an annual report to the governor and members of the general assembly on all projects that have come before the committee and have been approved, are in process or have been disapproved.

197.398. The committee shall have the power to promulgate reasonable rules, regulations, criteria and standards in conformity with this section and chapter 536, RSMo, to meet the objectives of sections 197.370 to 197.398 including the power to establish criteria and standards to review new types of equipment or service. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 197.370 to 197.398 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, sections 536.028, RSMo. All rulemaking authority delegated prior to August 28, 2001, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 2001, if it fully complied with all applicable provisions of the law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void."; and

Further amend said bill, Page 26, Section 610.027, Line 15 of said page, by inserting after all of said line the following:

"[197.300. Sections 197.300 to 197.366 shall be known as the "Missouri Certificate of Need Law".]

[197.305. As used in sections 197.300 to 197.366, the following terms mean:

- (1) "Affected persons", the person proposing the development of a new institutional health service, the public to be served, and health care facilities within the service area in which the proposed new health care service is to be developed;
- (2) "Agency", the certificate of need program of the Missouri department of health;
- (3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;
- (4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.366;
- (5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;
- (6) "Expenditure minimum" shall mean:
 - (a) For beds in existing or proposed health care facilities licensed pursuant to chapter 198, RSMo, and long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo, six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment,

provided, however, that prior to January 1, 2003, the expenditure minimum for beds in such a facility and long-term care beds in a hospital described in section 198.012, RSMo, shall be zero, subject to the provisions of subsection 7 of section 197.318;

(b) For beds or equipment in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), the expenditure minimum shall be zero; and

(c) For health care facilities, new institutional health services or beds not described in paragraph (a) or (b) of this subdivision one million dollars in the case of capital expenditures, excluding major medical equipment, and one million dollars in the case of medical equipment;

(7) "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, intermediate care facilities, skilled nursing facilities, residential care facilities I and II, kidney disease treatment centers, including freestanding hemodialysis units, diagnostic imaging centers, radiation therapy centers and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums, also known as Christian Science Nursing facilities listed and certified by the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc., and facilities of not-for-profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of Section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer;

(8) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(10) "New institutional health service":

(a) The development of a new health care facility costing in excess of the applicable expenditure minimum;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (13) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(11) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or

equipment;

(12) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(13) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.]

[197.310. 1. The "Missouri Health Facilities Review Committee" is hereby established. The agency shall provide clerical and administrative support to the committee. The committee may employ additional staff as it deems necessary.

2. The committee shall be composed of:

(1) Two members of the senate appointed by the president pro tem, who shall be from different political parties; and

(2) Two members of the house of representatives appointed by the speaker, who shall be from different political parties; and

(3) Five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be from the same political party.

3. No business of this committee shall be performed without a majority of the full body.

4. The members shall be appointed as soon as possible after September 28, 1979. One of the senate members, one of the house members and three of the members appointed by the governor shall serve until January 1, 1981, and the remaining members shall serve until January 1, 1982. All subsequent members shall be appointed in the manner provided in subsection 2 of this section and shall serve terms of two years.

5. The committee shall elect a chairman at its first meeting which shall be called by the governor. The committee shall meet upon the call of the chairman or the governor.

6. The committee shall review and approve or disapprove all applications for a certificate of need made under sections 197.300 to 197.366. It shall issue reasonable rules and regulations governing the submission, review and disposition of applications.

7. Members of the committee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

8. Notwithstanding the provisions of subsection 4 of section 610.025, RSMo, the proceedings and records of the facilities review committee shall be subject to the provisions of chapter 610, RSMo.]

[197.312. A certificate of need shall not be required for any institution previously owned and operated for or in behalf of a city not within a county which chooses to be licensed as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, for a facility of ninety beds or less that is owned or operated by a not-for-profit corporation which is exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is licensed by the division of aging by July 1, 1996, as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, or for a facility, serving exclusively mentally ill, homeless persons, of sixteen beds or less that is owned or operated by a not-for-profit corporation which is exempt from federal income tax which is described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the division of aging of plans for construction of such facility by May 1, 1996, and is licensed by the division of aging by July 1, 1996, as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, or a residential care facility II

located in a city not within a county operated by a not for profit corporation which is exempt from federal income tax which is described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which is licensed for one hundred beds or less on or before August 28, 1997.]

[197.314. 1. The provisions of sections 197.300 to 197.366 shall not apply to any sixty-bed stand-alone facility designed and operated exclusively for the care of residents with Alzheimer's disease or dementia and located in a tax increment financing district established prior to 1990 within any county of the first classification with a charter form of government containing a city with a population of over three hundred fifty thousand and which district also has within its boundaries a skilled nursing facility.

2. The provisions of sections 197.300 to 197.366 shall not apply, as hereinafter stated, to a skilled nursing facility that is owned or operated by a not-for-profit corporation which was created by a special act of the Missouri general assembly, is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, is owned by a religious organization and is to be operated as part of a continuing care retirement community offering independent living, residential care and skilled care. This exemption shall authorize no more than twenty additional skilled nursing beds at each of two facilities which do not have any skilled nursing beds as of January 1, 1999.]

[197.315. 1. Any person who proposes to develop or offer a new institutional health service within the state must obtain a certificate of need from the committee prior to the time such services are offered.

2. Only those new institutional health services which are found by the committee to be needed shall be granted a certificate of need. Only those new institutional health services which are granted certificates of need shall be offered or developed within the state. No expenditures for new institutional health services in excess of the applicable expenditure minimum shall be made by any person unless a certificate of need has been granted.

3. After October 1, 1980, no state agency charged by statute to license or certify health care facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is developed without obtaining a certificate of need.

4. If any person proposes to develop any new institutional health care service without a certificate of need as required by sections 197.300 to 197.366, the committee shall notify the attorney general, and he shall apply for an injunction or other appropriate legal action in any court of this state against that person.

5. After October 1, 1980, no agency of state government may appropriate or grant funds to or make payment of any funds to any person or health care facility which has not first obtained every certificate of need required pursuant to sections 197.300 to 197.366.

6. A certificate of need shall be issued only for the premises and persons named in the application and is not transferable except by consent of the committee.

7. Project cost increases, due to changes in the project application as approved or due to project change orders, exceeding the initial estimate by more than ten percent shall not be incurred without consent of the committee.

8. Periodic reports to the committee shall be required of any applicant who has been granted a certificate of need until the project has been completed. The committee may order the forfeiture of the certificate of need upon failure of the applicant to file any such report.

9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure on any approved project within six months after the date of the order. The applicant may request an extension from the committee of not more than six additional months based upon substantial expenditure made.

10. Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be

deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety.

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

16. The provisions of this section shall not apply to facilities operated by the state, and appropriation of funds to such facilities by the general assembly shall be deemed in compliance with this section, and such facilities shall be deemed to have received an appropriate certificate of need without payment of any fee or charge.

17. Notwithstanding other provisions of this section, a certificate of need may be issued after July 1, 1983, for an intermediate care facility operated exclusively for the mentally retarded.

18. To assure the safe, appropriate, and cost-effective transfer of new medical technology throughout the state, a certificate of need shall not be required for the purchase and operation of research equipment that is to be used in a clinical trial that has received written approval from a duly constituted institutional review board of an accredited school of medicine or osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed complement of the institution in which the equipment is to be located. After the clinical trial has been completed, a certificate of need must be obtained for continued use in such facility.]

[197.316. 1. The provisions of subsection 10 of section 197.315 and sections 197.317 and 197.318 shall not apply to facilities which are licensed pursuant to the provisions of chapter 198, RSMo, which are designed and operated exclusively for the care and treatment of persons with acquired human immunodeficiency syndrome, AIDS.

2. If a facility is granted a certificate of need and is found to be exempt from the provisions of subsection 10 of section 197.315 and sections 197.317 and 197.318 pursuant to the provisions of subsection 1 of this section, then only AIDS patients shall be residents of such facility and no others.

3. Any facility that violates the provisions of subsection 2 of this section shall be liable for a fine of one hundred dollars per resident per day for each such violation.

4. The attorney general shall, upon request of the department of health, bring an action in a circuit court of competent jurisdiction for violation of this section.]

[197.317. 1. After July 1, 1983, no certificate of need shall be issued for the following:

(1) Additional residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility beds above the number then licensed by this state;

(2) Beds in a licensed hospital to be reallocated on a temporary or permanent basis to nursing care or beds in a long-term care hospital meeting the requirements described in 42 CFR, Section 412.23(e), excepting those which are not subject to a certificate of need pursuant to paragraphs (e) and (g) of subdivision (10) of section 197.305; nor

(3) The reallocation of intermediate care facility or skilled nursing facility beds of existing licensed beds by transfer or sale of licensed beds between a hospital licensed pursuant to this chapter or a nursing care facility licensed pursuant to chapter 198, RSMo; except for beds in counties in which there is no existing nursing care facility. No certificate of need shall be issued for the reallocation of existing residential care facility I or II, or intermediate care facilities operated exclusively for the mentally retarded to intermediate care or skilled nursing facilities or beds. However, after January 1, 2003, nothing in this section shall prohibit the Missouri health facilities review committee from issuing a certificate of need for additional beds in existing health care facilities or for new beds in new health care facilities or for the reallocation of licensed beds, provided that no construction shall begin prior to January 1, 2004. The provisions of subsections 16 and 17 of section 197.315 shall apply to the provisions of this section.

2. The health facilities review committee shall utilize demographic data from the office of social and economic data analysis, or its successor organization, at the University of Missouri as their source of information in considering applications for new institutional long-term care facilities.]

[197.318. 1. The provisions of section 197.317 shall not apply to a residential care facility I, residential care facility II, intermediate care facility or skilled nursing facility only where the department of social services has first determined that there presently exists a need for additional beds of that classification because the average occupancy of all licensed and available residential care facility I, residential care facility II, intermediate care facility and skilled nursing facility beds exceeds ninety percent for at least four consecutive calendar quarters, in a particular county, and within a fifteen-mile radius of the proposed facility, and the facility otherwise appears to qualify for a certificate of need. The department's certification that there is no need for additional beds shall serve as the final determination and decision of the committee. In determining ninety percent occupancy, residential care facility I and II shall be one separate classification and intermediate care and skilled nursing facilities are another separate classification.

2. The Missouri health facilities review committee may, for any facility certified to it by the department, consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a certificate of need.

3. There shall be no expenditure minimum for facilities, beds, or services referred to in subdivisions (1), (2) and (3) of section 197.317. The provisions of this subsection shall expire January 1, 2003.

4. As used in this section, the term "licensed and available" means beds which are actually in place and for which a license has been issued.

5. The provisions of section 197.317 shall not apply to any facility where at least ninety-five percent of the patients require diets meeting the dietary standards defined by section 196.165, RSMo.

6. The committee shall review all letters of intent and applications for long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e) under its criteria and standards for long-term care beds.

7. Sections 197.300 to 197.366 shall not be construed to apply to litigation pending in state court on or before April 1, 1996, in which the Missouri health facilities review committee is a defendant in an action concerning the application of sections 197.300 to 197.366 to long-term care hospital beds meeting the requirements described in 42 CFR, Section 412.23(e).

8. Notwithstanding any other provision of this chapter to the contrary:

(1) A facility licensed pursuant to chapter 198, RSMo, may increase its licensed bed capacity by:

(a) Submitting a letter of intent to expand to the division of aging and the health facilities review committee;

(b) Certification from the division of aging that the facility:

a. Has no patient care class I deficiencies within the last eighteen months; and

b. Has maintained a ninety-percent average occupancy rate for the previous six quarters;

(c) Has made an effort to purchase beds for eighteen months following the date the letter of intent to expand is submitted pursuant to paragraph (a) of this subdivision. For purposes of this paragraph, an "effort to purchase" means a copy certified by the offeror as an offer to purchase beds from another licensed facility in the same licensure category; and

(d) If an agreement is reached by the selling and purchasing entities, the health facilities review committee shall issue a certificate of need for the expansion of the purchaser facility upon surrender of the seller's license; or

(e) If no agreement is reached by the selling and purchasing entities, the health facilities review committee shall permit an expansion for:

a. A facility with more than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or thirty beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-three percent or greater over the previous six quarters;

b. A facility with fewer than forty beds may expand its licensed bed capacity within the same licensure category by twenty-five percent or ten beds, whichever is greater, if that same licensure category in such facility has experienced an average occupancy of ninety-two percent or greater over the previous six quarters;

c. A facility adding beds pursuant to subparagraphs a. or b. of this paragraph shall not expand by more than fifty percent of its then licensed bed capacity in the qualifying licensure category;

(2) Any beds sold shall, for five years from the date of relicensure by the purchaser, remain unlicensed and unused for any long-term care service in the selling facility, whether they do or do not require a license;

(3) The beds purchased shall, for two years from the date of purchase, remain in the bed inventory attributed to the selling facility and be considered by the department of social services as licensed and available for purposes of this section;

(4) Any residential care facility licensed pursuant to chapter 198, RSMo, may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category if both facilities are under the same licensure ownership or control, and are located within six miles of each other;

(5) A facility licensed pursuant to chapter 198, RSMo, may transfer or sell individual long-term care licensed beds to facilities qualifying pursuant to paragraphs (a) and (b) of subdivision (1) of this subsection. Any facility which transfers or sells licensed beds shall not expand its licensed bed capacity in that licensure category for a period of five years from the date the licensure is relinquished.

9. Any existing licensed and operating health care facility offering long-term care services may replace one-half of its licensed beds at the same site or a site not more than thirty miles from its current location if, for at least the most recent four consecutive calendar quarters, the facility operates only fifty percent of its then licensed capacity with every resident residing in a private room. In such case:

(1) The facility shall report to the division of aging vacant beds as unavailable for occupancy for at least the most recent four consecutive calendar quarters;

(2) The replacement beds shall be built to private room specifications and only used for single occupancy; and

(3) The existing facility and proposed facility shall have the same owner or owners, regardless of corporate or business structure, and such owner or owners shall stipulate in writing that the existing facility beds to be replaced will not later be used to provide long-term care services. If the facility is being operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

10. Nothing in this section shall prohibit a health care facility licensed pursuant to chapter 198, RSMo, from being replaced in its entirety within fifteen miles of its existing site so long as the existing facility and proposed or replacement facility have the same owner or owners regardless of corporate or business structure and the health care facility being replaced remains unlicensed and unused for any long-term care services whether they do or do not require a license from the date of licensure of the replacement facility.]

[197.320. The committee shall have the power to promulgate reasonable rules, regulations, criteria and standards in conformity with this section and chapter 536, RSMo, to meet the objectives of sections 197.300 to 197.366 including the power to establish criteria and standards to review new types of equipment or service. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 197.300 to 197.366 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.]

[197.325. Any person who proposes to develop or offer a new institutional health service shall submit a letter of intent to the committee at least thirty days prior to the filing of the application.]

[197.326. 1. Any person who is paid either as part of his normal employment or as a lobbyist to support or oppose any project before the health facilities review committee shall register as a lobbyist pursuant to chapter 105, RSMo, and shall also register with the staff of the health facilities review committee for every project in which such person has an interest and indicate whether such person supports or opposes the named project. The registration shall also include the names and addresses of any person, firm, corporation or association that the person registering represents in relation to the named project. Any person violating the provisions of this subsection shall be subject to the penalties specified in section 105.478, RSMo.

2. A member of the general assembly who also serves as a member of the health facilities review committee is prohibited from soliciting or accepting campaign contributions from any applicant or person speaking for an applicant or any opponent to any application or persons speaking for any opponent while such application is pending before the health facilities review committee.

3. Any person regulated by chapter 197 or 198, RSMo, and any officer, attorney, agent and employee thereof, shall not offer to any committee member or to any person employed as staff to the committee, any office, appointment or position, or any present, gift, entertainment or gratuity of any kind or any campaign contribution while such application is pending before the health facilities review committee. Any person guilty of knowingly violating the provisions of this section shall be punished as follows: For the first offense, such person is guilty of a class B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class D felony.]

[197.327. 1. If a facility is granted a certificate of need pursuant to sections 197.300 to 197.365 based on an application stating a need for additional Medicaid beds, such beds shall be used for Medicaid patients and no other.

2. Any person who violates the provisions of subsection 1 of this section shall be liable to the state for civil penalties of one hundred dollars for every day of such violation. Each nonMedicaid patient placed in a Medicaid bed shall constitute a separate violation.

3. The attorney general shall, upon the request of the department, bring an action in a circuit court of competent jurisdiction to recover the civil penalty. The department may bring such an action itself. The civil action may be brought in the circuit court of Cole County or, at the option of the director, in another county which has venue of an action against the person under other provisions of law.]

[197.330. 1. The committee shall:

- (1) Notify the applicant within fifteen days of the date of filing of an application as to the completeness of such application;
- (2) Provide written notification to affected persons located within this state at the beginning of a review. This notification may be given through publication of the review schedule in all newspapers of general circulation in the area to be served;
- (3) Hold public hearings on all applications when a request in writing is filed by any affected person within thirty days from the date of publication of the notification of review;
- (4) Within one hundred days of the filing of any application for a certificate of need, issue in writing its findings of fact, conclusions of law, and its approval or denial of the certificate of need; provided, that the committee may grant an extension of not more than thirty days on its own initiative or upon the written request of any affected person;
- (5) Cause to be served upon the applicant, the respective health system agency, and any affected person who has filed his prior request in writing, a copy of the aforesaid findings, conclusions and decisions;
- (6) Consider the needs and circumstances of institutions providing training programs for health personnel;
- (7) Provide for the availability, based on demonstrated need, of both medical and osteopathic facilities and services to protect the freedom of patient choice; and
- (8) Establish by regulation procedures to review, or grant a waiver from review, nonsubstantive projects.

The term "filed" or "filing" as used in this section shall mean delivery to the staff of the health facilities review committee the document or documents the applicant believes constitute an application.

2. Failure by the committee to issue a written decision on an application for a certificate of need within the time required by this section shall constitute approval of and final administrative action on the application, and is subject to appeal pursuant to section 197.335 only on the question of approval by operation of law.]

[197.335. Within thirty days of the decision of the committee, the applicant may file an appeal to be heard de novo by the administrative hearing commissioner, the circuit court of Cole County or the circuit court in the county within which such health care service or facility is proposed to be developed.]

[197.340. Any health facility providing a health service must notify the committee of any discontinuance of any previously provided health care service, a decrease in the number of licensed beds by ten percent or more, or the change in licensure category for any such facility.]

[197.345. Any health facility with a project for facilities or services for which a binding construction or purchase contract has been executed prior to October 1, 1980, or health care facility which has commenced operations prior to October 1, 1980, shall be deemed to have received a certificate of need, except that such certificate of need shall be subject to forfeiture under the provisions of subsections 8 and 9 of section 197.315.]

[197.355. The legislature may not appropriate any money for capital expenditures for health care facilities until a certificate of need has been issued for such expenditures.]

[197.357. For the purposes of reimbursement under section 208.152, RSMo, project costs for new institutional health services in excess of ten percent of the initial project estimate whether or not approval was obtained under subsection 9 of section 197.315 shall not be eligible for reimbursement for the first three years that a facility receives payment for services provided under section 208.152, RSMo. The initial estimate shall be that amount for which the original certificate of need was obtained or, in the case of facilities for which a binding construction or purchase contract was executed prior to October 1, 1980, the amount of that contract. Reimbursement for these excess costs after the first three years shall not be made until a certificate of need has been granted for the excess project costs. The provisions of

this section shall apply only to facilities which file an application for a certificate of need or make application for cost-overrun review of their original application or waiver after August 13, 1982.]

[197.366. The provisions of subdivision (8) of section 197.305 to the contrary notwithstanding, after December 31, 2001, the term "health care facilities" in sections 197.300 to 197.366 shall mean:

- (1) Facilities licensed under chapter 198, RSMo;
- (2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo;
- (3) Long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR, section 412.23(e); and
- (4) Construction of a new hospital as defined in chapter 197.]; and

[197.367. Upon application for renewal by any residential care facility I or II which on the effective date of this act has been licensed for more than five years, is licensed for more than fifty beds and fails to maintain for any calendar year its occupancy level above thirty percent of its then licensed beds, the division of aging shall license only fifty beds for such facility.]; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Section 610.010, Page 15, Line 2, by inserting immediately after the word "**Missouri**," the following:

"Central Missouri State University, Missouri Southern State College, Missouri Western State College, Harris-Stowe State College, Truman State University, Southeast Missouri State University, Southwest Missouri State University, Northwest Missouri State University, Lincoln University, Linn State Technical College, and any junior college governed by chapter 178, Revised Statutes of Missouri."; and

Further amend said section, Page 16, Line 5, by inserting immediately after the word "**Missouri**," the following:

"Central Missouri State University, Missouri Southern State College, Missouri Western State College, Harris-Stowe State College, Truman State University, Southeast Missouri State University, Southwest Missouri State University, Northwest Missouri State University, Lincoln University, Linn State Technical College, and any junior college governed by chapter 178, Revised Statutes of Missouri,".

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Section 610.010, Page 14, Line 5, by inserting immediately after said line:

"347.740. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

351.127. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

355.023. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

356.233. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

359.653. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009.**

400.9-118. The secretary of state may collect an additional fee of five dollars on each and every fee paid to the secretary of state as required in chapter 400.9. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, 2009.

417.018. The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. **The provisions of this section shall expire on December 31, 2009."**; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Bill No. 72, Page 11, Section 191.940, Line 11 of said page, by inserting immediately after said line:

"193.185. 1. A report of each marriage performed in this state shall be filed with the department and shall be registered if it has been completed and filed in accordance with this section.

2. The official who issues the marriage license shall prepare the report on the form prescribed and furnished by the state registrar upon the basis of information obtained from one of the parties to be married.

3. Each person who performs a marriage shall certify the fact of marriage and return the license to the official who issued the license within [ten] **fifteen** days after the ceremony. This license shall be signed by the witnesses to the ceremony. A marriage certificate shall be given to the parties.

4. Every official issuing marriage licenses shall complete and forward to the department on or before the fifteenth day of each calendar month the reports of marriages returned to such official during the preceding calendar month."; and

Further amend said bill, Page 14, Section 197.160, Line 5 of said page, by inserting after said line the following:

"451.080. 1. The recorders of the several counties of this state, and the recorder of the city of St. Louis, shall, when applied to by any person legally entitled to a marriage license, issue the same which may be in the following form:
State of Missouri)

) ss.

) County of)

This license authorizes any judge, associate circuit judge, licensed or ordained preacher of the gospel, or other person authorized under the laws of this state, to solemnize marriage between A B of, county of and state of, who is the age of eighteen years, and C D of, in the county of, state of, who is the age of eighteen years.

2. If the man is under eighteen or the woman under eighteen, add the following:

The custodial parent or guardian, as the case may be, of the said A B or C D (A B or C D, as the case may require),

has given his or her assent to the said marriage.

Witness my hand as recorder, with the seal of office hereto affixed, at my office, in, the day of, [19] **20**..., recorder.

3. On which such license the person solemnizing the marriage shall, within [ninety] **fifteen** days after the issuing thereof, make as near as may be the following return, and return such license to the officer issuing the same: State of Missouri)

) ss.

) County of)

This is to certify that the undersigned did at, in said county, on the day of A. D. [19] **20**..., unite in marriage the above-named persons.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. Before applicants for a marriage license shall receive a license, and before the recorder of deeds shall be authorized to issue a license, the parties to the marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each application for a license shall contain the Social Security number of the applicant, **provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number**. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. Upon the expiration of three days after the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, without waiting three days, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.

5. Common-law marriages shall be null and void.

6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.

451.130. 1. If any recorder willfully neglect or refuse to issue a license to any person legally entitled thereto on application, on payment or tender of the fee provided for in section 451.150, or shall fail to refuse to record such license, with the return thereon, as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than one hundred dollars.

2. Every officer or person who shall fail to return a license within [ninety] **fifteen** days after the issuing of the same, or who shall make a false return thereon, or any recorder who shall willfully make a false record of any marriage license or return thereon, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as provided in the preceding part of this section.

In which the concurrence of the Senate is respectfully requested.

HOUSE BILLS ON THIRD READING

HB 453, with **SCS**, introduced by Representative Ransdall, et al, entitled:

An Act to repeal sections 292.606, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 444.765, 444.767, 444.770, 444.772, 444.773, 444.774, 444.775, 444.777, 444.778, 444.782, 444.784, 444.786, 444.787, 444.788 and 444.789, RSMo 2000, relating to environmental commissions and the collection of certain fees, and to enact in lieu thereof twenty-three new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HB 453**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 453

An Act to repeal sections 292.606, 319.129, 319.131, 319.132, 319.133, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 444.765, 444.767, 444.770, 444.772, 444.773, 444.774, 444.775, 444.777, 444.778, 444.782, 444.784, 444.786, 444.787, 444.788 and 444.789, RSMo 2000, relating to commerce, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Steelman moved that **SCS** for **HB 453** be adopted.

Senator Steelman offered **SS** for **SCS** for **HB 452**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 453

An Act to repeal sections 109.120, 109.241, 292.606, 319.129, 319.131, 319.132, 319.133, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 444.765, 444.767, 444.770, 444.772, 444.773, 444.774, 444.775, 444.777, 444.778, 444.782, 444.784, 444.786, 444.787, 444.788 and 444.789, RSMo 2000, relating to commerce, and to enact in lieu thereof thirty-four new sections relating to the same subject, with penalty provisions.

Senator Steelman moved that **SS** for **SCS** for **HB 452** be adopted.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 55, Section 620.1580, Line 22, of said page, by striking "eleven" and inserting in lieu thereof "**twelve**"; and

Further amend said bill and section, Page 56, Line 9 of said page, by striking the word "and"; and further amend line 10 of said page, by inserting after "large" the following: "; **and**

(6) One member shall be the secretary of state".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 55, Section 620.1580, Line 22, by removing the word "eleven" and inserting in lieu thereof the word "twelve"; and

Further amend said bill and section, Page 56, Line 9 by striking the word "and" and further amend line 10 by inserting after "large" the following: **"; and**

(6) One member shall be from the Office of Technology".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 20, Section 319.132, Line 8 of said page, by inserting after "surcharge" the following: **"; providing however, the board shall not increase the surcharge from its present amount by more than ten dollars in any year".**

Senator Gross moved that the above amendment be adopted.

Senator Mathewson offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 20, Section 319.132, Line 8 of said page, by inserting after "surcharge" the following: **"; providing however, the board shall not increase the surcharge from its present amount by more than fifteen dollars in any year".**

Senator Mathewson moved that the above substitute amendment be adopted, which motion failed.

SA 3 was again taken up.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 23, Section 400.9-508, Line 12 of said page by inserting immediately after said line the following:

"414.407. 1. As used in this section, the following terms mean:

- (1) "B-20", a blend of twenty percent by volume biodiesel fuel and eighty percent by volume petroleum-based diesel fuel;**
- (2) "Biodiesel", fuel as defined in ASTM Standard PS121;**
- (3) "EPAct", the federal Energy Policy Act, 42 U.S.C. 13201, et seq.;**
- (4) "EPAct credit", a credit issued pursuant to EPAct;**
- (5) "Fund", the biodiesel fuel revolving fund;**

(6) "Incremental cost", the difference in cost between biodiesel fuel and conventional petroleum-based diesel fuel at the time the biodiesel fuel is purchased.

2. The department, in cooperation with the department of agriculture, shall establish and administer an EAct credit banking and selling program to allow state agencies to use moneys generated by the sale of EAct credits to purchase biodiesel fuel for use in state vehicles. Each state agency shall provide the department with all vehicle fleet information necessary to determine the number of EAct credits generated by the agency. The department may sell credits in any manner pursuant to the provisions of EAct.

3. There is hereby created in the state treasury the "Biodiesel Fuel Revolving Fund", into which shall be deposited moneys received from the sale of EAct credits banked by state agencies on the effective date of this section and in future reporting years, any moneys appropriated to the fund by the general assembly, and any other moneys obtained or accepted by the department for deposit into the fund. The fund shall be managed to maximize benefits to the state in the purchase of biodiesel fuel and, when possible, to accrue those benefits to state agencies in proportion to the number of EAct credits generated by each respective agency.

4. Moneys deposited into the fund shall be used to pay for the incremental cost of biodiesel fuel with a minimum biodiesel concentration of B-20 for use in state vehicles and for administration of the fund. Not later than January 31 of each year, the department shall submit an annual report to the general assembly on the expenditures from the fund during the preceding fiscal year.

5. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

7. The department shall conduct a study of the use of alternative fuels in motor vehicles in the state and shall report its findings and recommendations to the general assembly no later than January 1, 2002. Such study shall include:

(1) An analysis of the current use of alternative fuels in public and private vehicle fleets in the state;

(2) An assessment of methods that the state may use to increase use of alternative fuels in vehicle fleets, including the sale of credits generated pursuant to the federal Energy Policy Act, 42 U.S.C. 13201, et seq., to pay for the difference in cost between alternative fuels and conventional fuels;

(3) An assessment of the benefits or harm that increased use of alternative fuels may make to the state's economy and environment;

(4) Any other information that the department deems relevant."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 15, Section 319.131, Lines 17-24, by striking the bold faced language from said lines.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 7, Section 319.129, Line 28, by inserting immediately after before said line the following:

"319.109. The department shall establish requirements for the reporting of any releases and corrective action taken in response to a release from an underground storage tank, including the specific quantity of a regulated substance, which if released, requires reporting and corrective action. In so doing, the department shall use risk-based corrective standards which take into account the level of risk to public health and the environment associated with site-specific conditions and future land usage **in accordance with the American Society for Testing and Materials E 1739-95.**"; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 7, Section 319.129, Line 27, by inserting before all of said line the following:

"319.125. 1. The department may deny or invalidate a certificate of registration issued under sections 319.120 and 319.123 if the department finds, after notice and a hearing pursuant to chapter 644, RSMo, that the owner has:

(1) Fraudulently or deceptively registered or attempted to register a tank; or

(2) Failed at any time to comply with any provision or requirement of sections 319.100 to 319.137 or any rules and regulations adopted by the department in accordance with the provisions of sections 319.100 to 319.137.

2. Upon the action of the department to invalidate or refuse to issue a certificate, the department shall advise the applicant of his right to have a hearing before the clean water commission. The hearing shall be conducted in accordance with the procedures established in chapter 644, RSMo.

3. When the department finds that a release from an underground storage tank presents, or is likely to present, an immediate threat to public health or safety or to the environment, it shall order correction of the problem, order cleanup or institute clean-up operations pursuant to the provisions of sections 260.500 to 260.550, RSMo.

4. If the owner or operator fails to perform or improperly performs any action required by the department to abate or eliminate an immediate threat to public health or safety or to the environment, the department or an authorized agent of the department may take any and all necessary action to abate or eliminate such threat. In addition to any other remedy or penalty provided by sections 319.100 to 319.137 or any other law, the owner or operator shall be held strictly liable for the reasonable costs incurred by the department in taking any such action.

5. The denial of reregistration or the revocation of registration of any person participating in the underground storage

tank insurance fund shall, upon completion of any appeal, terminate participation in the fund.

6. The department shall notify the petroleum storage tank insurance fund whenever any person participating in the fund is determined by the department to be out of compliance with any provision or requirement of sections 319.100 to 319.139 that poses a potential or actual threat of a release, and the person has failed to make reasonable efforts to correct the noncompliance. Within thirty days of the department's notification, the petroleum storage tank insurance fund shall notify such person in writing that failure to expeditiously correct the noncompliance may result in termination of participation in the fund."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion failed.

Senator Mathewson offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 4, Section 292.606, Line 23, by inserting immediately after said line the following:

"196.367. Effective July 1, 2005, any manufacturer or distributor shall be exempted from the provisions of sections 196.365 to 196.445 if the manufacturer satisfies all applicable Food and Drug Administration regulations."; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 58, Section 643.220, Line 40, of said page, by inserting after all of said line the following:

"644.037. Where applicable, under Section 404 of the federal Clean Water Act and where the U.S. Army Corps of Engineers has determined that a nationwide permit may be utilized, the department shall certify without conditions such nationwide permit as it applies to impacts on [wetlands in this] waters of the state."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 11, Section 319.129, Line 2 of said page, by inserting at the end of said line the following: **"Invoices for such services shall be presented to the board in sufficient detail to allow a thorough review of the costs of such services. The board shall approve all payments for services under this subsection.";** and

Further amend said bill and section, Page 12, Line 2 of said page, by inserting immediately after said line the following:

"16. The board shall annually commission an independent financial audit of the petroleum storage tank

insurance fund. The board shall biennially commission an actuarial analysis of the petroleum storage tank insurance fund. The results of the financial audit and the actuarial analysis shall be made available to the public. The board may contract with third parties to carry out the requirements of this subsection."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 453, Page 4, Section 109.241, Line 22, by inserting immediately after said line the following:

"135.230. 1. The exemption or credit established and allowed by section 135.220 and the credits allowed and established by subdivisions (1), (2), (3) and (4) of subsection 1 of section 135.225 shall be granted with respect to any new business facility located within an enterprise zone for a vested period not to exceed ten years following the date upon which the new business facility commences operation within the enterprise zone and such exemption shall be calculated, for each succeeding year of eligibility, in accordance with the formulas applied in the initial year in which the new business facility is certified as such, subject, however, to the limitation that all such credits allowed in sections 135.225 and 135.235 and the exemption allowed in section 135.220 shall be removed not later than fifteen years after the enterprise zone is designated as such. No credits shall be allowed pursuant to subdivision (1), (2), (3) or (4) of subsection 1 of section 135.225 or section 135.235 and no exemption shall be allowed pursuant to section 135.220 unless the number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two or the new business facility is a revenue-producing enterprise as defined in paragraph (d) of subdivision (6) of section 135.200. In order to qualify for either the exemption pursuant to section 135.220 or the credit pursuant to subdivision (4) of subsection 1 of section 135.225, or both, it shall be required that at least thirty percent of new business facility employees, as determined by subsection 4 of section 135.110, meet the criteria established in section 135.240 or are residents of an enterprise zone or some combination thereof, except taxpayers who establish a new business facility by operating a revenue-producing enterprise as defined in paragraph (d) of subdivision (6) of section 135.200 or any taxpayer that is an insurance company that established a new business facility satisfying the requirements of subdivision (8) of section 135.100 located within an enterprise zone after June 30, 1993, and before December 31, 1994, and that employs in excess of three hundred fifty new business facility employees at such facility each tax period for which the credits allowable pursuant to subdivisions (1) to (4) of subsection 1 of section 135.225 are claimed shall not be required to meet such requirement. A new business facility described as SIC 3751 shall be required to employ fifteen percent of such employees instead of the required thirty percent. For the purpose of satisfying the thirty-percent requirement, residents must have lived in the enterprise zone for a period of at least one full calendar month and must have been employed at the new business facility for at least one full calendar month, and persons qualifying because they meet the requirements of section 135.240 must have satisfied such requirement at the time they were employed by the new business facility and must have been employed at the new business facility for at least one full calendar month. The director may temporarily reduce or waive this requirement for any business in an enterprise zone with ten or less full-time employees, and for businesses with eleven to twenty full-time employees this requirement may be temporarily reduced. No reduction or waiver may be granted for more than one tax period and shall not be renewable. The exemptions allowed in sections 135.215 and 135.220 and the credits allowed in sections 135.225 and 135.235 and the refund established and authorized in section 135.245 shall not be allowed to any "public utility", as such term is defined in section 386.020, RSMo. **For the purposes of achieving the fifteen percent employment requirement set forth in this subsection, a new business facility described as NAICS 336991 may count employees who were residents of the enterprise zone at the time they were employed by the new business facility and for at least ninety days thereafter, regardless of whether such employees continue to reside in the enterprise zone, so long as the employees remain employed by the new business facility and residents of the state of Missouri.**

2. Notwithstanding the provisions of subsection 1 of this section, motor carriers, barge lines or railroads engaged in transporting property for hire or any interexchange telecommunications company that establish a new business facility shall be eligible to qualify for the exemptions allowed in sections 135.215 and 135.220, and the credits allowed in

sections 135.225 and 135.235 and the refund established and authorized in section 135.245, except that trucks, truck-trailers, truck semitrailers, rail or barge vehicles or other rolling stock for hire, track, switches, bridges, barges, tunnels, rail yards and spurs shall not constitute new business facility investment nor shall truck drivers or rail or barge vehicle operators constitute new business facility employees.

3. Notwithstanding any other provision of sections 135.200 to 135.256 to the contrary, motor carriers establishing a new business facility on or after January 1, 1993, but before January 1, 1995, may qualify for the tax credits available pursuant to sections 135.225 and 135.235 and the exemption provided in section 135.220, even if such new business facility has not satisfied the employee criteria, provided that such taxpayer employs an average of at least two hundred persons at such facility, exclusive of truck drivers and provided that such taxpayer maintains an average investment of at least ten million **dollars** at such facility, exclusive of rolling stock, during the tax period for which such credits and exemption are being claimed.

4. Any governing authority having jurisdiction of an area that has been designated an enterprise zone may petition the department to expand the boundaries of such existing enterprise zone. The director may approve such expansion if the director finds that:

- (1) The area to be expanded meets the requirements prescribed in section 135.207 or 135.210, whichever is applicable;
- (2) The area to be expanded is contiguous to the existing enterprise zone; **and**
- (3) The number of expansions do not exceed three after August 28, 1994.

5. Notwithstanding the fifteen-year limitation as prescribed in subsection 1 of this section, any governing authority having jurisdiction of an area that has been designated as an enterprise zone by the director, except one designated pursuant to this subsection, may file a petition, as prescribed by the director, for redesignation of such area for an additional period not to exceed seven years following the fifteenth anniversary of the enterprise zone's initial designation date; provided:

- (1) The petition is filed with the director within three years prior to the date the tax credits authorized in sections 135.225 and 135.235 and the exemption allowed in section 135.220 are required to be removed pursuant to subsection 1 of this section;
- (2) The governing authority identifies and conforms the boundaries of the area to be designated a new enterprise zone to the political boundaries established by the latest decennial census, unless otherwise approved by the director;
- (3) The area satisfies the requirements prescribed in subdivisions (3), (4) and (5) of section 135.205 according to the latest decennial census or other appropriate source as approved by the director;
- (4) The governing authority satisfies the requirements prescribed in sections 135.210, 135.215 and 135.255;
- (5) The director finds that the area is unlikely to support reasonable tax assessment or to experience reasonable economic growth without such designation; and
- (6) The director's recommendation that the area be designated as an enterprise zone, is approved by the joint committee on economic development policy and planning, as otherwise required in subsection 3 of section 135.210.

6. Any taxpayer having established a new business facility in an enterprise zone except one designated pursuant to subsection 5 of this section, who did not earn the tax credits authorized in sections 135.225 and 135.235 and the exemption allowed in section 135.220 for the full ten-year period because of the fifteen-year limitation as prescribed in subsection 1 of this section, shall be granted such benefits for ten tax years, less the number of tax years the benefits were claimed or could have been claimed prior to the expiration of the original fifteen-year period, except that such tax benefits shall not be earned for more than seven tax periods during the ensuing seven-year period, provided the taxpayer continues to operate the new business facility in an area that is designated an enterprise zone pursuant to subsection 5 of this section. Any taxpayer who establishes a new business facility subsequent to the commencement of

the ensuing seven-year period, as authorized in subsection 5 of this section, may qualify for the tax credits authorized in sections 135.225 and 135.235, and the exemptions authorized in sections 135.215 and 135.220, pursuant to the same terms and conditions as prescribed in sections 135.100 to 135.256. The designation of any enterprise zone pursuant to subsection 5 of this section shall not be subject to the fifty enterprise zone limitation imposed in subsection 4 of section 135.210."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Steelman moved that **SS** for **SCS** for **HB 453**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **HB 453**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
NAYS--Senators--None			
Absent--Senators			
Bland	Jacob	Quick	Schneider
Scott	Singleton	Staples--7	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

At the request of Senator Mathewson, **HS** for **HCS** for **HBs 924, 714, 685, 756, 734** and **518**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 327**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kenney, **HCS** for **HB 780**, with **SCS**, was placed on the Informal Calendar.

HS for **HB 882**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Stoll, **HCS** for **HB 660**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Childers, **HS** for **HCS** for **HB 488**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Childers, **HB 436** was placed on the Informal Calendar.

HS for **HCS** for **HB 1000**, with **SCS**, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, Senator Kenney submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HCS** for **HBs 237, 270, 403 and 442**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bills Nos. 237, 270, 403 and 442, Page 1, In the Title, Line 2, by striking "the sunshine" and further amend line 3, by striking "law" and inserting in lieu thereof the following: "public records"; and further amend line 3, by striking "six" and inserting in lieu thereof the following: "seven"; and

Further amend said bill, Page 1, Section A, Line 2, by striking "six" and inserting in lieu thereof the following: "seven"; and further amend line 2, by inserting after "sections" the following: "166.456,"; and further amend line 3, by inserting after all of said line the following:

"166.456. All personally identifiable information concerning participants and beneficiaries of accounts established within the Missouri higher education savings program pursuant to sections 166.400 to 166.455 shall be confidential, and any disclosure of such information shall be restricted to purposes directly connected with the administration of the program."

On motion of Senator Kenney, the Senate recessed for 20 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

HOUSE BILLS ON THIRD READING

HCS for **HB 660**, with **SCS**, entitled:

An Act to repeal sections 160.420, 169.070, 169.075, 169.270, 169.280, 169.291, 169.301, 169.315, 169.324, 169.410, 169.420, 169.430, 169.440, 169.450, 169.460, 169.462, 169.466, 169.471, 169.475, 169.476, 169.480, 169.490, 169.500, 169.510, 169.520, 169.540 and 169.670, RSMo 2000, relating to the public school retirement system, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Stoll.

SCS for **HCS** for **HB 660**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 660

An Act to repeal sections 105.269, 160.420, 169.070, 169.075, 169.270, 169.280, 169.291, 169.301, 169.315, 169.324, 169.410, 169.420, 169.430, 169.440, 169.450, 169.460, 169.462, 169.466, 169.471, 169.475, 169.476, 169.480, 169.490, 169.500, 169.510, 169.520, 169.540, 169.650 and 169.670, RSMo 2000, relating to certain public school retirement systems, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with an emergency clause for certain sections.

Was taken up.

Senator Stoll moved that **SCS** for **HCS** for **HB 660** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill NO. 660, Page 3, Section 160.420, Line 37, by inserting immediately after said line the following:

"162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section**, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 660, Page 59, Section 169.569, Line 27, by inserting after all of said line the following:

"169.596. 1. Any school district with a shortage of certified teachers, as determined by the school district, may allow retired certificated teachers from any Missouri public teacher retirement system to teach full-time for up to two years without losing his or her retirement benefits. The total number of such retired certificated teachers shall not exceed, at any one time, the greater of ten percent of the total teacher staff for that school district, or five certificated teachers.

2. Any retired certificated teacher hired pursuant to this section shall be included in the State Directory of New Hires for purposes of income and eligibility verification pursuant to 42 U.S.C. Section 1320b-7.

3. Any school district with a shortage of noncertificated employees, as determined by the school district, may allow individuals retired pursuant to sections 169.600 to 169.715 to be employed full-time for up to two years without losing his or her retirement benefits. The total number of such retired noncertificated employees shall not exceed, at any one time, the greater of ten percent of the total noncertificated staff for that school district, or five employees.

4. No person shall be employed pursuant to this section until the affected retirement systems have implemented rules and regulations assuring that the provisions are cost-neutral and the systems remain actuarially sound.

5. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 660, Page 2, Section 169.596, Line 8, by inserting after said line:

"6. Any teacher participating in the above mentioned program must have been retired at least one year."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Westfall moved that the above amendment be adopted, which motion failed.

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 660, Page 9, Section 169.070, Line 219, by striking the opening bracket "[" from said line; and further amend line 220, by striking the closing bracket "]" from said line; and further amend lines 221 to 224, by striking the bold language from said lines.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 660, Page 4, Section 169.070, Lines 34-37, by striking all of said lines and inserting in lieu thereof the following:

"(8) There shall be payable between July 1, 2001, and June 30, 2008, in addition to the benefit provided under subdivision (1) of this section an additional fifteen hundredths of one percent of the member's final average salary for each year of membership service beyond thirty years."

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Gross assumed the Chair.

Senator Stoll moved that **SCS** for **HCS** for **HB 660**, as amended, be adopted, which motion prevailed.

On motion of Senator Staples, **SCS** for **HCS** for **HB 660**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach--1			
Absent--Senators			
DePasco	Schneider	Staples--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Rohrbach--1			
Absent--Senators			
DePasco	Schneider	Staples--3	
Absent with leave--Senator Carter--1			

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HCS for HB 241, with SCS, entitled:

An Act to repeal sections 456.012, 456.013, 456.700, 456.710, 456.720, 456.730, 456.740, 456.750, 456.760, 456.770, 456.780, 456.790, 456.800, 456.810 and 456.820, RSMo 2000, relating to trusts and estates, and to enact in lieu thereof thirty-five new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Caskey.

SCS for HCS for HB 241, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 241

An Act to repeal sections 456.012, 456.013, 456.183, 456.700, 456.710, 456.720, 456.730, 456.740, 456.750, 456.760, 456.770, 456.780, 456.790, 456.800, 456.810 and 456.820, RSMo 2000, relating to trusts and estates, and to enact in lieu thereof thirty-six new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS for HCS for HB 241** be adopted.

Senator Cauthorn offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 241, Page 1, Section A, Line 8, by inserting immediately after said line the following:

"145.1000. Other provisions of this chapter to the contrary notwithstanding, if the federal estate tax imposed pursuant to section 2011 of the Internal Revenue Code, as amended, is repealed, then no tax shall be imposed on the transfer of a decedent's estate in Missouri. The provisions of this section shall become effective on the same date as the effective date of the repeal of the federal estate tax."; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS for HCS for HB 241**, as amended, which motion prevailed.

On motion of Senator Caskey, **SCS for HCS for HB 241**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Jacob--1			
Absent--Senators			

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 262, with **SCAs 1 and 2**, introduced by Representatives Linton and Phillips, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section, relating to certain public school records.

Was called from the Informal Calendar and taken up by Senator Klarich.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion failed.

Senator Rohrbach assumed the Chair.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 262, Page 1, In the Title, Lines 2-3, by striking "public school" and inserting in lieu thereof "private"; and further amend line 3, by inserting after the word "records" the following: ", with an effective date for a certain section"; and

Further amend said bill, Page 2, Section 160.067, Line 15, by inserting after all of said line the following:

"191.940. 1. For the purposes of this section the following terms mean:

- (1) "Disclose", to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information, except that disclosure shall not include any information divulged directly to the individual to whom such information pertains;**
- (2) "Federal Privacy Rules", the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 165;**
- (3) "Health information", any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to:**
 - (a) The past, present or future physical, mental or behavioral health or condition of an individual;**
 - (b) The provision of health care to an individual; or**
 - (c) Payment for the provision of health care to an individual;**
- (4) "Licensee", all licensed insurers, producers and other persons licensed or required to be licensed, or**

authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold, a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;

(5) "Nonpublic personal health information", health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;

(6) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, governmental agency or any other entity.

2. Any person who, in the ordinary course of business, practice of a profession or rendering of a service, creates, stores, receives or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior, written authorization of the person to whom such information pertains or such person's authorized representative, if:

(1) The nonpublic personal health information is disclosed in exchange for consideration to an affiliate or other third party; or

(2) The purpose of the disclosure is:

(a) For the marketing of services or goods for personal, family or household purposes;

(b) To facilitate an employer's employment-related decisions, including, but not limited to, hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;

(c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family or household purposes; or

(d) Unrelated to the business, practice or service offered by the disclosing person or entity.

3. Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be assessed an administrative penalty of not more than five hundred dollars for each violation of this section. An administrative penalty pursuant to this section may be assessed by a state agency responsible for regulating the person or by the attorney general.

5. In addition to the penalties provided in subsection 4 of this section, any person that violates this section shall be subject to civil action for damages or equitable relief.

6. To the extent a person other than a licensee is subject to and complies with all requirements of the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164 (the "federal privacy rules"), such person shall be deemed to be in compliance with this section. Until April 14, 2003, a person other than a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall be deemed in compliance with this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

8. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information Regulation", the licensee shall be deemed in compliance with this section.

9. Notwithstanding the provisions of subsections 5, 6 and 7 of this section, no person or licensee may disclose nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

10. The provisions of this section do not apply to information from or to consumer reporting agencies as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Sec. 1681, et seq., or debt collectors as defined by the federal Fair Debt Collection Practices Act, 15 U.S.C. Sec. 1692, et seq., to the extent these entities are engaged in activities regulated by these federal acts.

11. The provisions of this act do not apply to information disclosed in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, including but not limited to the sale of a portfolio of loans, if the disclosure of nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information is not the primary reason for the sale, merger, transfer or exchange.

12. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including, without limitation, treating violations of this section by licensees as unfair trade practices pursuant to sections 375.930 to 375.948, RSMo.

13. There shall be established a "Commission on Health Information Privacy" to study the issue of the protection of the privacy of nonpublic personal health information. By January 1, 2003, the commission shall make a recommendation to the general assembly of what additional legislative measures should be enacted to protect the privacy of nonpublic health information, after which the commission shall expire.

(1) The members of the commission shall be named by the governor and shall be citizens and residents of the state. The commission shall consist of fifteen individuals: one representative from the health insurance industry; one representative from the life insurance industry; one representative from the property and casualty insurance industry; three representatives from consumer advocacy organizations; three representatives from health care provider organizations; one representative from the department of health; one representative from the department of insurance; and four at-large representatives with demonstrated interest or expertise in health information privacy issues.

(2) Members shall receive no remuneration for their services but shall be reimbursed for actual and reasonable expenses incurred by them in the performance of their duties.

Section B. The enactment of section 191.940 of this act shall become effective January 1, 2002."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

President Maxwell assumed the Chair.

Senator Klarich raised the point of order that **SA 1** is out of order as it goes beyond the scope and purpose of the underlying bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senators Jacob and Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 262, Page 2, Section 168.067, Line 15, by inserting immediately after said line the following:

"162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section**, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 262, Page 2, Section 160.067, Line 15, by inserting immediately after said line the following:

"610.033. In addition to the restrictions on the release of education records provided by the federal Family Educational Rights and Privacy Act, an institution of higher education may, without a subpoena or court order,

disclose to a parent or legal guardian of a student information regarding a student's violation of any federal, state or local law, or of any rule or policy of the institution, governing the use or possession of alcohol or a controlled substance, regardless of whether that information is contained in the student's education records, only if (a) the student is under the age of twenty-one at the time of disclosure; (b) the institution has determined that the student has committed a disciplinary violation with respect to such use or possession; and (c) either the student demonstrates that he or she is not financially dependent on his or her parent or legal guardian as defined in Section 152 of the federal Internal Revenue Code of 1954 or the student has signed and filed with the institution a consent form permitting such disclosure."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Bill No. 262, Page 1, In the Title, Lines 2 and 3, by striking both of said lines and inserting in lieu thereof the following:

"To repeal sections 451.022 and 451.040, RSMo 2000, relating to certain public records, and to enact in lieu thereof three new sections relating to the same subject."; and

Further amend said bill and page, Section A, lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Sections 451.022 and 451.040, RSMo 2000, are repealed, and three new sections enacted in lieu thereof, to be known as sections 160.067, 451.022 and 451.040, to read as follows:"; and

Further amend said bill, page 2, section 160.067, line 15, by inserting after said line the following:

"[451.022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.

2. Any purported marriage not between a man and a woman is invalid.

3. No recorder shall issue a marriage license, except to a man and a woman.]

451.022. 1. It is the public policy of this state to recognize marriage only between a man and a woman.

2. Any purported marriage not between a man and a woman is invalid.

3. No recorder shall issue a marriage license, except to a man and a woman.

4. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid where contracted.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue the same, and no marriage shall present an application for the license, duly executed and signed in the presence of the recorder of deeds or their deputy. Each applicant for a license shall contain the Social Security number of the applicant, **provided that the applicant in fact has a Social Security number, or the applicant shall sign a statement provided by the recorder that the applicant does not have a Social Security number**. The Social Security number contained in an application for a marriage license shall be exempt from examination and copying pursuant to section 610.024, RSMo. Upon the expiration of three days after the receipt of the application the recorder of deeds shall issue the license, unless one of the parties withdraws the application. The license shall be void after thirty days from the date of issuance.

3. Provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied for, without waiting three days, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.
4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor.
5. Common-law marriages shall be null and void.
6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for want of authority in any person so solemnizing the marriage pursuant to section 451.100, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage.".

Senator Klarich moved that the above amendment be adopted.

Senator Childers offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to House Bill No. 262, Page 2, Section 451.040, Subsection 2, Line 7, by deleting the words: "upon the expiration of three days after the receipt of the application"; and

Further amend said line, by capitalizing the word "**the**" after the word "application" on said line.

Senator Childers moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **HB 262**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Gibbons
Gross	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators--None			
Absent--Senators			
Foster	Goode	House	Schneider
Staples--5			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to concur in **HS** for **HCS** for **SB 460**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Loudon moved that the Senate refuse to concur in **HS** for **HCS** for **SB 72**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 236**, entitled:

An Act to repeal sections 191.211, 191.411, 198.531, 208.028, 208.029, 208.040, 208.151, 376.1209, 376.1250, 451.072 and 453.121, RSMo 2000, and to enact in lieu thereof twenty new sections relating to public assistance programs and health, with penalty provisions and an emergency clause for certain sections.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 11, 12, 13, House Substitute Amendment No. 1 for House Amendment No. 14.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 35, Section 376.1209, Lines 16 and 17, by deleting all of said lines and inserting in lieu thereof the following:

"insurer, then the new policy shall provide coverage for prosthetic devices or reconstructive surgery and such coverage for prosthetic devices and reconstructive surgery shall be subject to the same deductible and coinsurance conditions applied to a mastectomy and all other terms and conditions applicable to other benefits under the new policy."; and

Further amend said bill, Page 36, Section 376.1250, Subsection 1, Subdivision (2), Line 23, after the word "reoccurrence" by inserting"; (semicolon) **and**" and deleting the rest of said subdivision.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 30, Section 208.151, Lines 5 and 6 by deleting the phrase, **"the effective date of this act"** and inserting in lieu thereof the following: **"July 1, 2002"**; and

Further amend said bill, Page 30, Section 208.151, Line 7 by deleting the following: **"2002"** and inserting in lieu thereof the following: **"2003"**; and

Further amend said bill, Page 30, Section 208.151, Line 8 by deleting the following: **"2003"** and inserting in lieu thereof the following: **"2004"**; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 45, Section 453.121, Line 21 of said page, by inserting after all of said line the following:

"453.170. 1. When an adoption occurs pursuant to the laws of other states of the United States, Missouri shall, from

the date of adoption hold the adopted person to be for every purpose the lawful child of its parent or parents by adoption as fully as though born to them in lawful wedlock, and such adoption shall have the same force and effect as adoption pursuant to the provisions of this chapter, including all inheritance rights.

2. When an adoption occurs in a foreign country and [is recognized as a valid adoption by] **the adopted child has migrated to the United States with the permission of** the United States Department of Justice and the United States Department of Immigration and Naturalization Services, this state shall recognize the adoption. The department of health, upon receipt of proof of adoption as required in subsection 7 of section 193.125, RSMo, shall issue a birth certificate for the adopted child upon request on forms prescribed and furnished by the state registrar pursuant to section 193.125, RSMo.

3. The adoptive parent or parents may petition the court pursuant to this section to request a change of name. The petition shall include a certified copy of the decree of adoption issued by the foreign country and documentation from the United States Department of Justice and the United States Department of Immigration and Naturalization Services which shows the child lawfully entered the United States. The court shall recognize and give effect to the decree of the foreign country and grant a decree of recognition of the adoption and shall change the name of the adopted child to the name given by the adoptive parent, if such a request has been made."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 34, Section 208.819, Line 19 of said page, by inserting after all of said line the following:

"376.1199. 1. Each health carrier or health benefit plan that offers or issues health benefit plans providing obstetrical/gynecological benefits and pharmaceutical coverage, which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall:

(1) Notwithstanding the provisions of subsection 4 of section 354.618, RSMo, provide enrollees with direct access to the services of a participating obstetrician, participating gynecologist or participating obstetrician/ gynecologist of her choice within the provider network for covered services. The services covered by this subdivision shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician, gynecologist or obstetrician/ gynecologist, including but not limited to diagnosis, treatment and referral for such services. A health carrier shall not impose additional co-payments, coinsurance or deductibles upon any enrollee who seeks or receives health care services pursuant to this subdivision, unless similar additional co-payments, coinsurance or deductibles are imposed for other types of health care services received within the provider network. Nothing in this subsection shall be construed to require a health carrier to perform, induce, pay for, reimburse, guarantee, arrange, provide any resources for or refer a patient for an abortion, as defined in section 188.015, RSMo, other than a spontaneous abortion or to prevent the death of the female upon whom the abortion is performed, or to supersede or conflict with section 376.805; and

(2) Notify enrollees annually of cancer screenings covered by the enrollees' health benefit plan and the current American Cancer Society guidelines for all cancer screenings or notify enrollees at intervals consistent with current American Cancer Society guidelines of cancer screenings which are covered by the enrollees' health benefit plans. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification; and

(3) Include coverage for services related to diagnosis, treatment and appropriate management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically indicated for such individual. In determining whether testing or treatment is medically appropriate, due consideration shall be given to peer reviewed medical literature. A policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services; and

(4) If the health benefit plan also provides coverage for pharmaceutical benefits, provide coverage for contraceptives either at no charge or at the same level of deductible, coinsurance or co-payment as any other covered drug. No such deductible, coinsurance or co-payment shall be greater than any drug on the health benefit plan's formulary. As used in this section, "contraceptive" shall include all prescription drugs and devices approved by the federal Food and Drug Administration for use as a contraceptive, but shall exclude all drugs and devices that are intended to induce an abortion, as defined in section 188.015, RSMo, which shall be subject to section 376.805. Nothing in this subdivision shall be construed to exclude coverage for prescription contraceptive drugs or devices ordered by a health care provider with prescriptive authority for reasons other than contraceptive or abortion purposes.

2. For the purposes of this section, "health carrier" and "health benefit plan" shall have the same meaning as defined in section 376.1350.

3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

4. Notwithstanding the provisions of subdivision (4) of subsection 1 of this section to the contrary:

(1) Any health carrier may issue to any person or entity purchasing a health benefit plan, a health benefit plan that excludes coverage for contraceptives if the use or provision of such contraceptives is contrary to the moral, ethical or religious beliefs or tenets of such person or entity;

(2) Upon request of an enrollee who is a member of a group health benefit plan and who states that the use or provision of contraceptives is contrary to his or her moral, ethical or religious beliefs, any health carrier shall issue to or on behalf of such enrollee a policy form that excludes coverage for contraceptives. Any administrative costs to a group health benefit plan associated with such exclusion of coverage not offset by the decreased costs of providing coverage shall be borne by the group policyholder or group plan holder;

(3) Any health carrier which is owned, operated or controlled in substantial part by an entity that is operated pursuant to moral, ethical or religious tenets that are contrary to the use or provision of contraceptives shall be exempt from the provisions of subdivision (4) of subsection 1 of this section.

For purposes of this subsection, if new premiums are charged for a contract, plan or policy, it shall be determined to be a new contract, plan or policy.

5. Except for a health carrier that is exempted from providing coverage for contraceptives pursuant to this section, a health carrier shall allow enrollees in a health benefit plan that excludes coverage for contraceptives pursuant to subsection 4 of this section to purchase a health benefit plan that includes coverage for contraceptives.

6. Any health benefit plan issued pursuant to subsection 1 of this section shall provide clear and conspicuous written notice on the enrollment form or any accompanying materials to the enrollment form and the group health benefit plan contract:

(1) Whether coverage for contraceptives is or is not included;

(2) That an enrollee who is a member of a group health benefit plan with coverage for contraceptives has the right to exclude coverage for contraceptives if such coverage is contrary to his or her moral, ethical or religious beliefs; and

(3) That an enrollee who is a member of a group health benefit plan without coverage for contraceptives has the right to purchase coverage for contraceptives.

7. Health carriers shall not disclose to the person or entity who purchased the health benefit plan the names of enrollees who exclude coverage for contraceptives in the health benefit plan or who purchase a health benefit plan that includes coverage for contraceptives. Health carriers and the person or entity who purchased the health benefit plan shall not discriminate against an enrollee because the enrollee excluded coverage for contraceptives in the health benefit plan or purchased a health benefit plan that includes coverage for contraceptives.

8. The departments of health and insurance may promulgate rules necessary to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 49, Section 453.325, Line 22 of said page, by inserting after all of said line the following:

"660.600. As used in sections 660.600 to 660.608, the following terms mean:

(1) ["Division", the division of aging of the department of social services;

(2)] "Long-term care facility", any facility licensed pursuant to chapter 198, RSMo, and long-term care facilities connected with hospitals licensed pursuant to chapter 197, RSMo;

[(3)] (2) "Office", the office of the state ombudsman for long-term care facility residents;

[(4)] (3) "Ombudsman", the state ombudsman for long-term care facility residents;

[(5)] (4) "Regional ombudsman coordinators", designated individuals working for, or under contract with, the area agencies on aging, and who are so designated by the [area agency on aging] **office of lieutenant governor** and certified by the ombudsman as meeting the qualifications established by the [division] **office of lieutenant governor**;

[(6)] (5) "Resident", any person who is receiving care or treatment in a long-term care facility.

660.603. 1. There is hereby established within the [division of aging] **office of lieutenant governor** the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his **or her** entire time to the duties of his **or her** position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.

4. The [division] **office of lieutenant governor** shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall have access to review resident records, if given permission by the resident or the resident's legal guardian. Residents of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

(2) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying [these] complaints.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. Where written consent or written documentation from a representative of the office to support oral consent of the complainant, resident or the legal representative of such resident exists, the office or regional ombudsman coordinator may make a report of the suspected abuse or neglect of the resident to the central registry pursuant to section 660.263.

7. The ombudsman may recommend to the relevant governmental agency changes in the rules and regulations adopted or proposed by such governmental agency which do or may adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to long-term care facilities and services in the state and shall recommend to the [division] **office of lieutenant governor** changes in such laws, regulations and policies deemed by the office to be appropriate.

[7.] **8.** The office shall promote community contact and involvement with residents of facilities through the use of volunteers and volunteer programs directed by the regional ombudsman coordinators.

[8.] **9.** The office shall develop and establish [by regulation of the division] statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

[9.] **10.** The office shall develop and propose programs for use, training and coordination of volunteers in conjunction with the regional ombudsman coordinators and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings and other programs for volunteers; and

(3) Supply personnel, written materials and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

[10.] **11.** The office shall prepare and distribute to each facility written notices which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and other pertinent information.

[11.] **12.** The administrator of each facility shall ensure that such written notice is given to every resident or [his] **every resident's** guardian upon admission to the facility and to every person already in residence, or to his **or her** guardian. The administrator shall also post such written notice in a conspicuous, public place in the facility in the number and manner set forth [in the regulations adopted by the division] **by the office of lieutenant governor**.

[12.] **13.** The office shall inform residents, their guardians or their families of their rights and entitlements under state and federal laws and rules and regulations by means of the distribution of educational materials and group meetings.

14. All funding and full-time employees designated for the office of the state ombudsman for long-term care facility residents shall be transferred from the division of aging within the department of social services to the office of the lieutenant governor.

15. The office of lieutenant governor may establish additional ombudsman programs relating to elder care if the office of lieutenant governor obtains the necessary funding for such a program. The office of lieutenant governor shall actively seek any state or federal funding sources available to implement the provisions of this subsection.

660.604. There is hereby established a five-member "Long-term Care Facility Ombudsman Advisory Commission". The lieutenant governor shall serve as a permanent member of the commission with the remaining four members to be appointed by the lieutenant governor to oversee the transfer of the state ombudsman from the division of aging to the office of the lieutenant governor. The commission shall also assist the state ombudsman with policy issues and the development of the state ombudsman program to ensure statewide consistency in the implementation of the program. Ombudsman commissioners shall be appointed for four-year terms, except the first commission shall be appointed as follows: two members to a four-year term, one member to a three-year term and one member to a two-year term. Each commissioner shall hold office until his or her successor has been appointed and qualified."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 39, Section 376.1250, Line 5, by inserting after all of said line the following:

"453.005. 1. The provisions of sections 453.005 to 453.400 shall be construed so as to promote the best interests and welfare of the child in recognition of the entitlement of the child to a permanent and stable home.

2. The division of family services and all persons involved in the adoptive placement of children as provided in subdivisions (1), (2) and (4) of section 453.014, shall provide for the diligent recruitment of potential adoptive homes that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed.

3. [In the selection of an adoptive home, consideration shall be given to both a child's cultural, racial and ethnic background and the capacity of the adoptive parents to meet the needs of a child of a specific background, as one of a number of factors used in determining whether a placement is in the child's best interests. This factor must, however, be applied on an individualized basis, not by general rules.

4.] Placement of a child in an adoptive home may not be delayed or denied on the basis of race, color or national origin."

HOUSE SUBSTITUTE AMENDMENT NO.1 FOR

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 34, Section 208.819, Line 10, by inserting after said line the following:

"Said representatives of disability-related community organizations shall be registered with the family care registry and shall comply with the provisions of section 660.317."

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute Senate Bill No. 236, Page 1, Section 191.211, Line 19, by inserting before said line the following:

"135.095. For all tax years beginning on or after January 1, 1999, but before January 1, 2005, a [resident individual] **claimant** who has attained sixty-five years of age on or before the last day of the tax year shall be allowed, for the purpose of offsetting the cost of legend drugs, a maximum credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, of two hundred dollars. **For the purpose of this section, a "claimant" is defined as a person or persons claiming a credit under sections 135.005. If two claimants are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a**

credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year during which the credit is claimed. A claimant must apply for his or her own credit. [An individual] A claimant shall be entitled to the maximum credit allowed by this section if the [individual] claimant has [a Missouri adjusted gross income] an income as defined in section 135.010 of fifteen thousand dollars or less; provided that, no [individual who receives full reimbursement for the cost of legend drugs from Medicare or Medicaid, or] claimant who meets the income criteria for Medicaid eligibility, or has coverage for pharmaceutical benefits through a health benefit plan as defined in section 376.1350, RSMo, including a Medicare supplement or Medicare + Choice plan, or thorough a self-funded employee benefit plan shall qualify for the credit allowed pursuant to this section unless a claimant's pharmaceutical expenses exceed the claimant's coverage, in which case, a claimant may qualify for a credit for the additional expenses, up to two hundred dollars. No claimant who is a resident of a local, state or federally funded facility shall qualify for the credit allowed pursuant to this section. If [an individual's Missouri adjusted gross income] a claimant's income as defined in section 135.010 is greater than fifteen thousand dollars, such [individual] claimant shall be entitled to a credit equal to the greater of zero or the maximum credit allowed by this section reduced by two dollars for every hundred dollars such [individual's] claimant's income exceeds fifteen thousand dollars. The credit shall be claimed as prescribed by the director of the department of revenue. Such credit shall be considered an overpayment of tax and shall be refundable even if the amount of the credit exceeds [an individual's] a claimant's tax liability. A credit may not be claimed purusant to this section for any tax year ending after December 31, 2001, or any tax year during which the Missouri pharmaceutical assistance program is in full operation, whichever is later.

208.550. 1. As used in this section, the following terms mean:

- (1) "Department", the department of social services;**
- (2) "Household income", the amount of income as defined in section 135.010, RSMo. For purposes of this section, household income shall be the household income of the applicant for the previous calendar year;**
- (3) "Medicaid", the program for medical assistance established pursuant to Title XIX of the federal Social Security Act and administered by the department;**
- (4) "Missouri resident", an individual who establishes residence for a period of twelve months in a settled or permanent home or domicile within the state of Missouri with the intention of remaining in this state. An individual is a resident of this state until the individual establishes a permanent residence outside this state;**
- (5) "Prescription drug", a prescription drug as defined in 13 CSR 70-20. The current limitations or restrictions placed on certain pharmaceuticals by the department shall remain and the department may define additional restrictions by rule;**
- (6) "Program", the pharmaceutical investment program for seniors (PIPS) established pursuant to this section.**

2. The department of social services shall establish a "Pharmaceutical Investment Program for Seniors" to help defray the costs of prescription drugs for elderly Missouri residents. The following Missouri residents shall be eligible to participate in the program:

- (1) Any person sixty-five years of age or older, with a household income at or below fifteen thousand dollars who is not currently ineligible pursuant to subsection 3 of this section. Such person shall demonstrate that his or her estimated annual prescription drug costs will exceed the total deductible for twelve months outlined in subsections 5 and 6 of this section;**
- (2) For a married couple in which at least one spouse is sixty-five years of age or older, with an annual household income at or below twenty-five thousand dollars:**
 - (a) If only one spouse is sixty-five years of age or older, such spouse shall be eligible if his or her household income is at or below fifteen thousand dollars, he or she is not ineligible pursuant to subsection 3 of this section,**

and his or her estimated annual prescription drug costs will exceed the total deductible for twelve months outlined in subsections 5 and 6 of this section;

(b) If both spouses are sixty-five years of age or older, both spouses shall be eligible if their estimated annual prescription drug costs will exceed the total deductible for twelve months outlined in subsections 5 and 6 of this section. One or both spouses may be currently ineligible pursuant to subsection 3 of this section;

(3) Any person sixty-five years of age or older who does not qualify pursuant to subdivision (1) of this subsection and who is not currently ineligible pursuant to subsection 3 of this section, if such person's estimated annual pharmaceutical costs will exceed ten percent of such person's household income. Such person shall be eligible to participate in the program and receive benefits not to exceed six thousand dollars per year after such person has expended ten percent of his or her household income; or

(4) A married couple in which at least one spouse is sixty-five years of age or older who does not qualify pursuant to subdivision (2) of this subsection and who are not currently ineligible pursuant to subsection 3 of this section, if such couple's estimated annual pharmaceutical costs will exceed ten percent of such couple's family household income. Such couple shall be eligible to participate in the program and receive benefits not to exceed twelve thousand dollars per year after such couple has expended ten percent of their family household income on their annual pharmaceutical costs.

3. Any person who is receiving Medicaid benefits shall not be eligible to participate in the program, except those Medicaid recipients whose Medicaid coverage does not include pharmacy benefits. The pharmaceutical investment program for seniors is a payer of last resort. If a senior has coverage for pharmaceutical benefits through a health benefit plan, as defined in section 376.1350, RSMo, including a Medicare supplement or Medicare+Choice plan, or through a self-funded employee benefit plan, the pharmaceutical investment program for seniors shall pay only for eligible costs not provided by such coverage and only after the senior has met the deductible required by subsections 5 and 6 of this section.

4. Applicants for the program shall submit an annual application to the department, or the department's designee, that attests to the age, residence, annual household income and estimated annual prescription drug costs for an individual or couple, if married. The department shall prescribe by rule the form of the application for enrollment in the program.

5. Upon notification of eligibility, an enrollee may access the program by meeting the cost-sharing obligation through a monthly deductible calculated and based on one of the following:

(1) If the enrollee's household income is at or below twelve thousand dollars for an individual or twenty thousand dollars for a couple, the monthly deductible is one-twelfth of eight hundred dollars for an individual or one-twelfth of sixteen hundred dollars for a couple; or

(2) If the enrollee's household income is between twelve thousand one dollars and fifteen thousand dollars for an individual or twenty thousand one dollars and twenty-five thousand dollars for a couple, the monthly deductible is one-twelfth of one thousand two hundred dollars for an individual or one-twelfth of twenty-four hundred dollars for a couple.

6. For any month in which the enrollee does not meet the deductible, the difference between the monthly deductible and the actual expenditure on prescription drugs shall be added to the next month's deductible.

7. Nothing in this section shall be construed as requiring an applicant to accept Medicaid benefits in lieu of participation in this program.

8. For prescription drugs, enrollees shall pay a five dollar co-payment for a generic prescription drug or a brand name prescription drug when a recognized generic drug is not available or is more expensive and a fifteen dollar co-payment for a brand name prescription drug when a recognized generic prescription drug is available. The department may implement higher co-payments. Such co-payment may be modified annually by

the general assembly through the appropriation process. Such co-payment shall be used to reduce the state's cost for the program. In addition, each enrollee shall pay an annual twenty-five dollar co-payment to offset the administrative costs of the program. Nothing in this subsection shall be construed as permitting therapeutic substitutions.

9. In providing program benefits, the department may enter into a contract with a private individual, corporation or agency to manage the program.

10. The department shall collaborate with the division of aging in the department of health and utilize area agencies on aging, senior citizens centers and other senior focused entities to provide outreach, enrollment referral assistance and education services to potentially eligible seniors for the pharmaceutical investment program for seniors.

11. The department shall submit quarterly reports to the governor, the senate appropriations committee, and the house of representatives budget committee, the speaker of the house of representatives and the president pro tem of the senate, that include:

(1) Quantified data as to the number of program applicants and enrollees subsequently found eligible for Medicaid;

(2) An estimate of whether the current rate of expenditures will exceed the existing appropriation for the program in the current fiscal year; and

(3) Recommendations for changes to the deductibles and co-payments for enrollees in the program.

12. The program established in this section is not an entitlement. Benefits shall be limited to the level supported by the moneys explicitly appropriated pursuant to this section. If in any fiscal year the department projects that the total cost of the program will exceed the amount currently appropriated for the program, the department shall implement cost control measures to reduce the projected cost. Such cost control measures may include, but are not limited to, increasing the co-payments outlined in subsection 8 of this section or increasing the deductible requirements outlined in subsection 5 of this section. The department may request a supplemental appropriation to meet the projected costs, but must implement cost containment measures to reduce the projected cost to the current appropriated amount. The pharmaceutical investment program for seniors is a payer of last resort. If the federal government establishes a pharmaceutical assistance program that covers program eligible seniors under Medicare or another program, the pharmaceutical insurance program for seniors shall cover only eligible costs not covered by the federal program.

13. The department may promulgate rules to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

14. Any person who knowingly makes any false statements, falsifies or permits to be falsified any records, or engages in conduct in an attempt to defraud the program is guilty of a misdemeanor and shall forfeit all rights to which he or she may be entitled hereunder.

Section B. Section 208.550 of section A of this act shall become effective July 1, 2002."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 55, Section 3, Line 2, by inserting after all of said line the following:

"Section 4. 1. The state of Missouri hereby grants limited consent to be sued under the Americans with

Disabilities Act, 42 U.S.C. Section 12101, et seq., in the state courts of Missouri. The state of Missouri does not consent to be sued under the Americans with Disabilities Act in federal courts.

2. The consent granted in subsection 1 of this section is for a maximum monetary award in the amounts described in section 537.610. No state court shall enter a judgement for an amount in excess of the monetary limits in section 537.610. Such monetary limit shall apply regardless of whether the state has insurance for defense of the claim. The amount may include attorneys' fees, but shall not include punitive or exemplary damages.

3. The provisions of this section shall apply to all actions pending or initiated on or after the effective date of this section.

4. The provisions of this section shall, without limitation, apply to the Missouri State Capitol Building."; and

Further amend said bill, Page 55, Section B, Line 6, by inserting after the letter "A" the following: "and the enactment of section 4 of section A".

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 34, Section 208.819, Line 19 of said page, by inserting after all of said line the following:

"354.400. As used in sections 354.400 to 354.535, the following terms shall mean:

(1) "Basic health care services", health care services which an enrolled population might reasonably require in order to be maintained in good health, including, as a minimum, emergency care, inpatient hospital and physician care **and chiropractic care, as defined in chapter 331, RSMo**, and outpatient medical **and chiropractic** services;

(2) "Community-based health maintenance organization", a health maintenance organization which:

(a) Is wholly owned and operated by hospitals, hospital systems, physicians, or other health care providers or a combination thereof who provide health care treatment services in the service area described in the application for a certificate of authority from the department of insurance;

(b) Is operated to provide a means for such health care providers to market their services directly to consumers in the service area of the health maintenance organization;

(c) Is governed by a board of directors that exercises fiduciary responsibility over the operations of the health maintenance organization and of which a majority of the directors consist of equal numbers of the following:

a. Physicians licensed pursuant to chapter 334, RSMo;

b. Purchasers of health care services who live in the health maintenance organization's service area;

c. Enrollees of the health maintenance organization elected by the enrollees of such organization; and

d. Hospital executives, if a hospital is involved in the corporate ownership of the health maintenance organization;

(d) Provides for utilization review, as defined in section 374.500, RSMo, under the auspices of a physician medical director who practices medicine in the service area of the health maintenance organization, using review standards developed in consultation with physicians who treat the health maintenance organization's enrollees;

(e) Is actively involved in attempting to improve performance on indicators of health status in the community or communities in which the health maintenance organization is operating, including the health status of those not enrolled in the health maintenance organization;

- (f) Is accountable to the public for the cost, quality and access of health care treatment services and for the effect such services have on the health of the community or communities in which the health maintenance organization is operating on a whole;
- (g) Establishes an advisory group or groups comprised of enrollees and representatives of community interests in the service area to make recommendations to the health maintenance organization regarding the policies and procedures of the health maintenance organization;
- (h) Enrolls fewer than fifty thousand covered lives;
- (3) "Covered benefit" or "benefit", a health care service to which an enrollee is entitled under the terms of a health benefit plan;
- (4) "Director", the director of the department of insurance;
- (5) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of health and medicine, to believe that immediate medical care is required, which may include, but shall not be limited to:
 - (a) Placing the person's health in significant jeopardy;
 - (b) Serious impairment to a bodily function;
 - (c) Serious dysfunction of any bodily organ or part;
 - (d) Inadequately controlled pain; or
 - (e) With respect to a pregnant woman who is having contractions:
 - a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or
 - b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;
- (6) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;
- (7) "Enrollee", a policyholder, subscriber, covered person or other individual participating in a health benefit plan;
- (8) "Evidence of coverage", any certificate, agreement, or contract issued to an enrollee setting out the coverage to which the enrollee is entitled;
- (9) "Health care services", any services included in the furnishing to any individual of medical, **chiropractic** or dental care or hospitalization, or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of any and all other services for the purpose of preventing, alleviating, curing, or healing human illness, injury, or physical disability;
- (10) "Health maintenance organization", any person which undertakes to provide or arrange for basic and supplemental health care services to enrollees on a prepaid basis, or which meets the requirements of section 1301 of the United States Public Health Service Act;
- (11) "Health maintenance organization plan", any arrangement whereby any person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services and at least part of such arrangement consists of providing and assuring the availability of basic health care services to enrollees, as distinguished from mere indemnification against the cost of such services, on a prepaid basis through insurance or otherwise, and as

distinguished from the mere provision of service benefits under health service corporation programs;

(12) "Individual practice association", a partnership, corporation, association, or other legal entity which delivers or arranges for the delivery of health care services and which has entered into a services arrangement with persons who are licensed to practice medicine, osteopathy, dentistry, chiropractic, pharmacy, podiatry, optometry, or any other health profession and a majority of whom are licensed to practice medicine or osteopathy. Such an arrangement shall provide:

(a) That such persons shall provide their professional services in accordance with a compensation arrangement established by the entity; and

(b) To the extent feasible for the sharing by such persons of medical and other records, equipment, and professional, technical, and administrative staff;

(13) "Medical group/staff model", a partnership, association, or other group:

(a) Which is composed of health professionals licensed to practice medicine or osteopathy and of such other licensed health professionals (including dentists, chiropractors, pharmacists, optometrists, and podiatrists) as are necessary for the provisions of health services for which the group is responsible;

(b) A majority of the members of which are licensed to practice medicine or osteopathy; and

(c) The members of which (i) as their principal professional activity over fifty percent individually and as a group responsibility engaged in the coordinated practice of their profession for a health maintenance organization; (ii) pool their income from practice as members of the group and distribute it among themselves according to a prearranged salary or drawing account or other plan, or are salaried employees of the health maintenance organization; (iii) share medical and other records and substantial portions of major equipment and of professional, technical, and administrative staff; (iv) establish an arrangement whereby an enrollee's enrollment status is not known to the member of the group who provides health services to the enrollee;

(14) "Person", any partnership, association, or corporation;

(15) "Provider", any physician, hospital, or other person which is licensed or otherwise authorized in this state to furnish health care services;

(16) "Uncovered expenditures", the costs of health care services that are covered by a health maintenance organization, but that are not guaranteed, insured, or assumed by a person or organization other than the health maintenance organization, or those costs which a provider has not agreed to forgive enrollees if the provider is not paid by the health maintenance organization.

354.640. 1. All managed care organizations subject to the provisions of sections 354.400 to 354.636 shall provide chiropractic benefits to covered enrollees. A covered enrollee may utilize the services of a chiropractic physician as defined in chapter 331, RSMo, without discrimination relative to access, fees, deductibles, co-payments, benefit limits and practice parameters subject to the terms and conditions of the policy. The covered enrollee shall retain the right to choose chiropractic care on an elective, self-pay, fee-for-service basis. No entity regulated pursuant to this chapter shall prohibit a doctor of chiropractic from continuing care on such basis.

2. Nothing in this section shall be construed to limit the health plan's ability to credential providers or be deemed as an any willing provider provision."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236,

Page 4, Section 191.411, Line 16 of said page, by inserting after all of said line the following:

"196.367. Effective July 1, 2005, any manufacturer or distributor shall be exempted from the provisions of sections 196.365 to 196.445 if the manufacturer satisfies all applicable Food and Drug Administration regulations."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, Page 5, Section 198.071, Line 21 of said page, by inserting after all of said line the following:

"198.530. 1. If an enrollee in a managed care organization is also a resident in a long-term care facility licensed pursuant to chapter 198, or a continuing care retirement community, as defined in section 197.305, RSMo, such enrollee's managed care organization shall provide the enrollee with the option of receiving the covered service in the long-term care facility which serves as the enrollee's primary residence. For purposes of this section, "managed care organization" means any [organization that offers any health plan certified] **entity licensed** by the department of [health] **insurance that offers any health plans** designed to provide incentives to medical care providers to manage the cost and use of care associated with claims, including, but not limited to, a health maintenance organization [and preferred provider organization], **insurance company and health services corporation**. The resident enrollee's managed care organization shall reimburse the resident facility for those services which would otherwise be covered by the managed care organization if the following conditions apply:

- (1) The facility is willing and able to provide the services to the resident; and
- (2) The facility and those health care professionals delivering services to residents pursuant to this section meet the licensing and training standards as prescribed by law; and
- (3) The facility is certified through Medicare; and
- (4) The facility and those health care professionals delivering services to residents pursuant to this section agree to abide by the terms and conditions of the health carrier's contracts with similar providers, abide by patient protection standards and requirements imposed by state or federal law for plan enrollees and meet the quality standards established by the health carrier for similar providers.

2. The managed care organization shall reimburse the resident facility at a rate of reimbursement not less than the Medicare allowable rate pursuant to Medicare rules and regulations.

3. The services in subsection 1 of this section shall include, but are not limited to, skilled nursing care, rehabilitative and other therapy services, and postacute care, as needed. Nothing in this section shall limit the managed care organization from utilizing contracted providers to deliver the services in the enrollee's resident facility.

4. A resident facility shall not prohibit a health carrier's participating providers from providing covered benefits to an enrollee in the resident facility. A resident facility or health care professional shall not impose any charges on an enrollee for any service that is ancillary to, a component of, or in support of the services provided under this section when the services are provided by a health carrier's participating provider, or otherwise create a disincentive for the use of the health carrier's participating providers. Any violation of the requirements of this subsection by the resident facility shall be considered abuse or neglect of the resident enrollee."; and

Further amend said bill, Page 34, Section 208.819, Line 19 of said page, by inserting after all of said line the following:

"354.603. 1. A health carrier shall maintain a network that is sufficient in number and types of [providers] health care

professionals to assure that all services to enrollees shall be accessible without unreasonable delay. In the case of emergency services, enrollees shall have access twenty-four hours per day, seven days per week. The health carrier's medical director shall be responsible for the sufficiency and supervision of the health carrier's network. Sufficiency shall be determined by the director in accordance with the requirements of this section and by reference to any reasonable criteria, including but not limited to, provider-enrollee ratios by specialty, primary care provider-enrollee ratios, geographic accessibility, reasonable distance accessibility criteria for pharmacy and other services, waiting times for appointments with participating [providers] **health care professionals**, hours of operation, and the volume of technological and specialty services available to serve the needs of enrollees requiring technologically advanced or specialty care.

(1) In any case where the health carrier has an insufficient number or type of participating [providers] **health care professionals** to provide a covered benefit, the health carrier shall ensure that the enrollee obtains the covered benefit at no greater cost than if the benefit was obtained from a participating [provider] **health care professional**, or shall make other arrangements acceptable to the director.

(2) The health carrier shall establish and maintain adequate arrangements to ensure reasonable proximity of participating [providers] **health care professional**, including local pharmacists, to the business or personal residence of enrollees. In determining whether a health carrier has complied with this provision, the director shall give due consideration to the relative availability of health care [providers] **professionals** in the service area under, especially rural areas, consideration.

(3) A health carrier shall monitor, on an ongoing basis, the ability, clinical capacity[, financial capability] and legal authority of its [providers] **health care professionals** to furnish all contracted benefits to enrollees. **The provisions of this subdivision shall not be construed to require any health care professional to submit copies of such health care professional's income tax returns to a health carrier. A health carrier may require a health care professional to obtain audited financial statements if such health care professional received ten percent or more of the total medical expenditures made by the health carrier.**

(4) A health carrier shall make its entire network available to all enrollees unless a contract holder has agreed in writing to a different or reduced network.

2. [Beginning July 1, 1998,] A health carrier shall file with the director, in a manner and form defined by rule of the department of insurance, an access plan meeting the requirements of sections 354.600 to 354.636 for each of the managed care plans that the **health** carrier offers in this state. The health carrier may request the director to deem sections of the access plan as proprietary or competitive information that shall not be made public. For the purposes of this section, information is proprietary or competitive if revealing the information will cause the health carrier's competitors to obtain valuable business information. The health carrier shall provide such plans, absent any information deemed by the director to be proprietary, to any interested party upon request. The **health** carrier shall prepare an access plan prior to offering a new managed care plan, and shall update an existing access plan whenever it makes any change as defined by the director to an existing managed care plan. The director shall approve or disapprove the access plan, or any subsequent alterations to the access plan, within sixty days of filing. The access plan shall describe or contain at a minimum the following:

(1) The health carrier's network;

(2) The health carrier's procedures for making referrals within and outside its network;

(3) The health carrier's process for monitoring and assuring on an ongoing basis the sufficiency of the network to meet the health care needs of enrollees of the managed care plan;

(4) The health carrier's methods for assessing the health care needs of enrollees and their satisfaction with services;

(5) The health carrier's method of informing enrollees of the plan's services and features, including but not limited to, the plan's grievance procedures, its process for choosing and changing [providers] **health care professionals**, and its procedures for providing and approving emergency and specialty care;

(6) The health carrier's system for ensuring the coordination and continuity of care for enrollees referred to specialty physicians, for enrollees using ancillary services, including social services and other community resources, and for ensuring appropriate discharge planning;

(7) The health carrier's process for enabling enrollees to change primary care professionals;

(8) The health carrier's proposed plan for providing continuity of care in the event of contract termination between the health carrier and any of its participating [providers] **health care professionals**, in the event of a reduction in service area or in the event of the health carrier's insolvency or other inability to continue operations. The description shall explain how enrollees shall be notified of the contract termination, reduction in service area or the health carrier's insolvency or other modification or cessation of operations, and transferred to other [providers] **health care professionals** in a timely manner; and

(9) Any other information required by the director to determine compliance with the provisions of sections 354.600 to 354.636.

354.606. 1. A health carrier shall establish a mechanism by which the participating provider shall be notified on an ongoing basis of the specific covered health services for which the provider shall be responsible, including any limitations or conditions on services.

2. Every contract between a health carrier and a participating provider shall set forth a hold harmless provision specifying protection for enrollees. This requirement shall be met by including a provision substantially similar to the following:

"Provider agrees that in no event, including but not limited to nonpayment by the health carrier or intermediary, insolvency of the health carrier or intermediary, or breach of this agreement, shall the provider bill, charge, collect a deposit from, seek compensation, remuneration or reimbursement from, or have any recourse against an enrollee or a person, other than the health carrier or intermediary, acting on behalf of the enrollee for services provided pursuant to this agreement. This agreement shall not prohibit the provider from collecting coinsurance, deductibles or co-payments, as specifically provided in the evidence of coverage, or fees for uncovered services delivered on a fee-for-service basis to enrollees. This agreement shall not prohibit a provider, except for a health care professional who is employed full time on the staff of a health carrier and has agreed to provide service exclusively to that health carrier's enrollees and no others, and an enrollee from agreeing to continue services solely at the expense of the enrollee, as long as the provider has clearly informed the enrollee that the health carrier may not cover or continue to cover a specific service or services. Except as provided herein, this agreement does not prohibit the provider from pursuing any available legal remedy; including, but not limited to, collecting from any insurance carrier providing coverage to a covered person."

3. Every contract between a health carrier and a participating provider shall set forth that in the event of a health carrier's or intermediary's insolvency or other cessation of operations, covered services to enrollees shall continue through the period for which a premium has been paid to the health carrier on behalf of the enrollee or until the enrollee's discharge from an inpatient facility, whichever time is greater.

4. The contract provisions satisfying the requirements of subsections 2 and 3 of this section shall:

(1) Be construed in favor of the enrollee;

(2) Survive the termination of the contract regardless of the reason for termination, including the insolvency of the health carrier; and

(3) Supersede any oral or written contrary agreement between a provider and an enrollee or the representative of an enrollee if the contrary agreement is inconsistent with the hold harmless and continuation of covered services provisions required by subsections 2 and 3 of this section.

5. In no event shall a participating provider collect or attempt to collect from an enrollee any money owed to the provider by the health carrier nor shall a participating provider collect or attempt to collect from an enrollee any money in excess of the coinsurance, co-payments or deductibles. Failure of a health carrier to make timely payment of an amount owed to a provider in accordance with the provider's contract shall constitute an unfair claims settlement practice subject to sections 375.1000 to 375.1018, RSMo.

6. (1) A health carrier shall develop selection standards for participating primary care professionals and each participating health care professional specialty. Such standards shall be in writing and used in determining the selection of health care professionals by the health carrier, its intermediaries and any provider networks with which it contracts. Selection criteria shall not be established in a manner that will:

(a) Allow a health carrier to avoid a high-risk population by excluding a provider because such provider is located in a geographic area that contains a population presenting a risk of higher than average claims, losses or health services utilization; or

(b) Exclude a provider because such provider treats or specializes in treating a population presenting a risk of higher than average claims, losses or health services utilization.

(2) Paragraphs (a) and (b) of subdivision (1) of this subsection shall not be construed to prohibit a health carrier from declining to select a provider who fails to meet the other legitimate selection criteria of the health carrier developed in compliance with sections 354.600 to 354.636.

(3) The provisions of sections 354.600 to 354.636 shall not require a health carrier, its intermediaries or the provider networks with which it contracts, to employ specific providers or types of providers, or to contract with or retain more providers or types of providers than are necessary to maintain an adequate network.

7. A health carrier shall file its selection standards for participating providers with the director. A health carrier shall also file any subsequent changes to its selection standards with the director. The selection standards shall be made available to licensed health care providers.

8. A health carrier shall notify a participating provider of the provider's responsibilities with respect to the health carrier's applicable administrative policies and programs, including but not limited to payment terms, utilization review, quality assessment and improvement programs, credentialing, grievance procedures, data reporting requirements, confidentiality requirements and any applicable federal or state programs.

9. No contract between a health carrier and a provider for the delivery of health care service, entered into or renewed after August 28, 2001, shall require the mandatory use of a hospitalist. For purposes of this subsection, "hospitalist" means a physician who becomes a physician of record at a hospital for a patient of a participating provider and who may return the care of the patient to that participating provider at the end of hospitalization.

[9.] **10.** A health carrier shall not offer an inducement under the managed care plan to a provider to provide less than medically necessary services to an enrollee.

[10.] **11.** A health carrier shall not prohibit a participating provider from advocating in good faith on behalf of enrollees within the utilization review or grievance processes established by the health carrier or a person contracting with the health carrier.

[11.] **12.** A health carrier shall require a provider to make health records available to appropriate state and federal authorities involved in assessing the quality of care but shall not disclose individual identities, or investigating the grievances or complaints of enrollees, and to comply with the applicable state and federal laws related to the confidentiality of medical or health records.

[12.] **13.** The rights and responsibilities of a provider under a contract between a health carrier and a participating provider shall not be assigned or delegated by the provider without the prior written consent of the health carrier.

[13.] **14.** A health carrier shall be responsible for ensuring that a participating provider furnishes covered benefits to all enrollees without regard to the enrollee's enrollment in the plan as a private purchaser of the plan or as a participant in a publicly financed program of health care service.

[14.] **15.** A health carrier shall notify the participating providers of their obligations, if any, to collect applicable coinsurance, co-payments or deductibles from enrollees pursuant to the evidence of coverage, or of the providers' obligations, if any, to notify enrollees of their personal financial obligations for noncovered services.

[15.] **16.** A health carrier shall not penalize a provider because the provider, in good faith, reports to state or federal authorities any act or practice by the health carrier that may jeopardize patient health or welfare.

[16.] **17.** A health carrier shall establish a mechanism by which a participating provider may determine in a timely manner whether a person is covered by the carrier.

[17.] **18.** A health carrier shall not discriminate between health care professionals when selecting such professionals for enrollment in the network or when referring enrollees for health care services to be provided by such health care professional who is acting within the scope of his professional license.

[18.] **19.** A health carrier shall establish procedures for resolution of administrative, payment or other disputes between providers and the health carrier.

[19.] **20.** A contract between a health carrier and a provider shall not contain definitions or other provisions that conflict with the definitions or provisions contained in the managed care plan or sections 354.600 to 354.636.

354.618. 1. A health carrier shall be required to offer as an additional health plan, an open referral health plan whenever it markets a gatekeeper group plan as an exclusive or full replacement health plan offering to a group contract holder:

(1) In the case of group health plans offered to employers of fifty or fewer employees, the decision to accept or reject the additional open referral plan offering shall be made by the group contract holder. For health plans marketed to employers of over fifty employees, the decision to accept or reject shall be made by the employee;

(2) Contracts currently in existence shall offer the additional open referral health plan at the next annual renewal after August 28, 1997; however, multiyear group contracts need not comply until the expiration of their current multiyear term unless the group contract holder elects to comply before that time;

(3) If an employer provides more than one health plan to its employees and at least one is an open referral plan, then all health benefit plans offered by such employer shall be exempt from the requirements of this section.

2. For the purposes of this [act] **section**, the following terms shall mean:

(1) "Open referral plan", a plan in which the enrollee is allowed to obtain treatment for covered benefits without a referral from a primary care physician from any person licensed to provide such treatment;

(2) "Gatekeeper group plan", a plan in which the enrollee is required to obtain a referral from a primary care professional in order to access specialty care.

3. Any health benefit plan provided pursuant to the Medicaid program shall be exempt from the requirements of this section.

4. [A health carrier shall have a procedure by which a female enrollee may seek the health care services of an obstetrician/gynecologist at least once a year without first obtaining prior approval from the enrollee's primary care provider if the benefits are covered under the enrollee's health benefit plan, and the obstetrician/gynecologist is a member of the health carrier's network.] **Each health carrier or health benefit plan that offers or issues health benefit plans providing obstetrical/gynecological benefits which are delivered, issued for delivery, continued or**

renewed in this state on or after January 1, 2002, shall provide enrollees with direct access to the services of a participating obstetrician, participating gynecologist or participating obstetrician/gynecologist of her choice within the provider network for covered services. The services covered by this subsection shall be limited to those services defined by the published recommendations of the accreditation council for graduate medical education for training an obstetrician, gynecologist or obstetrician/gynecologist, including but not limited to diagnosis, treatment and referral for such services. A health carrier shall not impose additional co-payments, coinsurance, or deductibles upon any enrollee who seeks or receives health care services pursuant to this subsection, unless similar additional co-payments, coinsurance, or deductibles are imposed for other types of health care services received within the provider network. Nothing in this subsection shall be construed to conflict with section 376.805, RSMo. In no event shall a health carrier be required to permit an enrollee to have health care services delivered by a nonparticipating obstetrician/gynecologist. An obstetrician/gynecologist who delivers health care services directly to an enrollee shall report such visit and health care services provided to the enrollee's primary care provider. [A health carrier may require an enrollee to obtain a referral from the primary care physician, if such enrollee requires more than one annual visit with an obstetrician/gynecologist.]

5. Except for good cause, a health carrier shall be prohibited either directly, or indirectly through intermediaries, from discriminating between eye care providers when selecting among providers of health services for enrollment in the network and when referring enrollees for health services provided within the scope of those professional licenses and when reimbursing amounts for covered services among persons duly licensed to provide such services. For the purposes of this section, an eye care provider may be either an optometrist licensed pursuant to chapter 336, RSMo, or a physician who specializes in [ophthamologic] **ophthalmologic** medicine, licensed pursuant to chapter 334, RSMo.

6. Nothing contained in this section shall be construed as to require a health carrier to pay for health care services not provided for in the terms of a health benefit plan.

7. Any health carrier, which is sponsored by a federally qualified health center and is presently in existence and which has been in existence for less than three years shall be exempt from this section for a period not to exceed two years from August 28, 1997.

8. A health carrier shall not be required to offer the direct access rider for a group contract holder's health benefit plan if the health benefit plan is being provided pursuant to the terms of a collective bargaining agreement with a labor union, in accordance with federal law and the labor union has declined such option on behalf of its members.

9. Nothing in this [act] **section** shall be construed to preempt the employer's right to select the health care provider pursuant to section 287.140, RSMo, in a case where an employee incurs a work-related injury covered by the provisions of chapter 287, RSMo.

10. Nothing contained in this [act] **section** shall apply to certified managed care organizations while providing medical treatment to injured employees entitled to receive health benefits [under] **pursuant to the provisions of** chapter 287, RSMo, pursuant to contractual arrangements with employers, or their insurers, [under] **pursuant to** section 287.135, RSMo.

376.383. 1. To the extent consistent with the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001, et seq., this section shall apply to any health [insurer] **carrier** as defined in section [376.806, any nonprofit health service plan and any health maintenance organization] **376.1350**.

2. Within [forty-five] **thirty** days after receipt of a claim **by a health carrier or a third party contracted with said health carrier to receive or process the claim** for reimbursement [from a person entitled to reimbursement] **for a health care service provided in this state as defined in section 376.1350**, a health [insurer, nonprofit health service plan or health maintenance organization] **carrier** shall pay the claim in accordance with this section or send a notice of receipt and status of the claim that states:

(1) That the [insurer, nonprofit health service plan or health maintenance organization] **health carrier** refuses to reimburse all or part of the claim and the reason for the refusal; or

(2) That **a request for additional information is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary[.] to process the entire claim for payment. The health carrier must acknowledge receipt to the health care professional or entity that submitted the claim of all the requested additional information or pay the claim. Acknowledgment may be through electronic means.**

3. Within forty-five days after receipt of a claim by a health carrier or a third party contracted with said health carrier to receive or process the claim for reimbursement for a health care service provided in this state as defined in section 376.1350, a health carrier shall pay the claim in accordance with this section or send a notice of receipt and status of the claim that states:

(1) That the health carrier refuses to reimburse all or part of the claim and the reason for refusal; or

(2) That a final request for additional information is necessary to determine if all or part of the claim will be reimbursed and what specific additional information is necessary to process the entire claim for payment. The health carrier must acknowledge receipt to the health care professional or entity that submitted the claim of the requested additional information within five working days.

[3.] **4. If [an insurer, nonprofit health service plan or health maintenance organization] a health carrier fails to comply with subsection 2 or 3 of this section, the [insurer, nonprofit health service plan or health maintenance organization] health carrier shall pay interest on the amount of the claim that remains unpaid forty-five days after the claim is [filed] received by the health carrier or a third party contracted with said health carrier to receive or process the claim at the monthly rate of one percent. The interest paid pursuant to this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest. A carrier may combine interest payments and make payment once the aggregated amount reaches five dollars.**

5. All claims shall be deemed complete claims upon receipt until such time as it is determined that additional information is required in order to pay the claim. If additional information is requested pursuant to subsection 2 or 3 of this section, the claim shall again be deemed complete upon receipt of all additional information requested. For the purpose of calculating the number of days pursuant to this section, the counting of days shall begin on the day the claim is received by the health carrier or a third party contracted with said health carrier to receive or process the claim. The counting of days shall be suspended the day following the day the health care professional receives a request for additional information pursuant to this section and the counting of days shall resume again once all the additional information requested is received by the health carrier or a third party contracted with said health carrier to receive or process the claim. All requests for additional information may be made electronically.

[4.] **6. Within [ten] sixty days after the day on which [all additional information is received] a claim is received by [an insurer, nonprofit health service plan or health maintenance organization] a health carrier or a third party contracted with said health carrier to receive or process the claim, [it] said health carrier shall pay the claim in accordance with this section or send a written notice that:**

(1) States refusal to reimburse the claim or any part of the claim; and

(2) Specifies each reason for denial.

[An insurer, nonprofit health service plan or health maintenance organization that fails to comply with this subsection shall pay interest on any amount of the claim that remains unpaid at the monthly rate of one percent.]

7. The failure of the health care professional to provide and the health carrier to receive all requested information pursuant to subsection 2 or 3 of this section by the one hundred twentieth day after the initial receipt of the original claim may be a proper ground for denying all or part of the claim.

8. A health carrier that fails to pay or deny a claim pursuant to the requirements of this section shall pay, in addition to interest, a penalty prescribed by this subsection. Beginning January 1, 2002, for a claim received by a

health carrier or a third party contracted with said health carrier to receive or process the claim which is not paid or denied as required by this section, a penalty shall accrue in the amount of forty dollars per day for each day all or part of the claim, interest in excess of five dollars, or penalty remains unpaid. If such claim and interest are paid in their entirety prior to day sixty, then no penalty shall accrue.

9. The penalties prescribed by this section shall cease to accrue if, within thirty days after penalties begin to accrue, the health care professional fails to notify the health carrier that all or part of the claim, interest or penalty remains unpaid. Such notification shall reference the claim or claims in question.

[5. A provider who is paid interest under this section shall pay the proportionate amount of said interest to the enrollee or insured to the extent and for the time period that the enrollee or insured had paid for the services and for which reimbursement was due to the insured or enrollee.

6.] **10. This section shall become effective [April 1, 1999] January 1, 2002.**

11. Nothing in this section shall apply to workers' compensation claims filed pursuant to chapter 287, RSMo.

376.384. 1. For purposes of this section, "health care professional" means the same as such term is defined in section 376.1350 and "health carrier" means the same as such term is defined in section 376.1350. Any health carrier shall:

(1) Permit health care professionals to file a claim for reimbursement for a health care service provided in this state as defined in section 376.1350 for a period of up to one hundred eighty days from the date of service;

(2) Not request a refund or offset against a claim more than one hundred eighty days after a carrier has paid a claim except in cases of fraud or material misrepresentation by the health care professional;

(3) The health carrier shall, upon request, provide any contracted health care professional with a fee schedule with the carrier's reimbursement rates for no less than thirty procedure codes for the most commonly performed services for which the health care professional is contracted to provide;

(4) Issue within one working day a confirmation of receipt of an electronically filed claim by a health care professional or entity that submitted the claim, unless the claim is paid during such time.

2. On or after January 1, 2003, all claims submitted electronically for reimbursement for a health care service provided in this state shall be submitted in a uniform format utilizing standard medical code sets. The uniform format and the standard medical code sets shall be promulgated by the department of insurance through rules consistent with but no more stringent than the federal administrative simplification standards adopted pursuant to the Health Insurance Portability and Accountability Act of 1996. Any claim submitted in a nonelectronic format after January 1, 2002, shall not be subject to the provisions of subsection 8 of section 376.383; however, interest shall accrue on claims filed in a nonelectronic format that are not paid or denied in accordance with section 376.383. A health carrier shall provide electronic filing after January 1, 2002.

3. Nothing in this section shall apply to workers' compensation claims filed pursuant to chapter 287, RSMo.

376.406. 1. All [individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, and all self-insured group health benefit plans, of any type or description,] health benefit plans, as defined in section 376.1350, which provide coverage for a family member of [the insured or subscriber] an enrollee shall, as to such family member's coverage, also provide that the health [insurance] benefits applicable for children shall be payable with respect to a newly born child of the [insured or subscriber] enrollee from the moment of birth.

2. The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

3. If payment of a specific premium or subscription fee is required to provide coverage for a child, the [policy or contract] **health benefit plan** may require that notification of birth of a newly born child and payment of the required premium or fees must be furnished to the [insurer or nonprofit service or indemnity corporation] **health carrier** within thirty-one days after the date of birth in order to have the coverage continue beyond such thirty-one day period. **If an application or other form of enrollment is required in order to continue coverage beyond the thirty-one-day period after the date of birth and the enrollee has notified the health carrier of the birth, either orally or in writing, the health carrier shall, upon notification, provide the enrollee with all forms and instructions necessary to enroll the newly born child and shall allow the enrollee an additional ten days from the date the forms and instructions are provided in which to enroll the newly born child.**

4. The requirements of this section shall apply to all [insurance policies and subscriber contracts] **health benefit plans** delivered or issued for delivery in this state [more than one hundred twenty days after August 13, 1974] **on or after August 28, 2001.**

5. For the purposes of this section, any review, renewal, extension, or continuation of any [plan, policy, or contract] **health benefit plan** or of any of the terms, premiums, or subscriptions of the [plan, policy, or contract] **health benefit plan** shall constitute a new delivery or issuance for delivery of the [plan, policy or contract] **health benefit plan.**

6. As used in this section, the terms "health benefit plan", "health carrier" and "enrollee" shall have the same meaning as defined in section 376.1350.

376.419. 1. As used in this section, the term "hold harmless clause" means a contractual arrangement whereby a health care provider assumes the sole liability inherent in the provision of health care services, thereby relieving an insurer from such liability; except that, nothing in this section shall be construed to apply to any clause in the contract prohibiting providers from balance billing the enrollee or his or her family for any amount in excess of the amount provided for in the contract between the provider and the carrier. For purposes of this section, "health care provider" or "provider" means a health care professional or facility.

2. Except to the extent preempted by the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1001, et seq., this section shall apply to any health carrier, as defined in section 376.1350.

3. Any contract between a health care provider and a health carrier entered into after the effective date of this section shall include a clause that states that each party shall be responsible for any and all claims, liabilities, damages or judgments which may arise as a result of its own negligence or intentional wrongdoing. Each party signatory to the contract shall hold harmless and indemnify the other party against any claims, liabilities, damages or judgments which may be asserted against, imposed upon or incurred by the other party as a result of the first party's negligence or intentional wrongdoing.

376.893. 1. Within sixty days of legal separation or the entry of a decree of dissolution of marriage or prior to the expiration of a thirty- six month federal Consolidated Omnibus Budget Reconciliation Act (COBRA) continuation period covering a legally separated or divorced spouse, if such spouse has elected and maintained such COBRA coverage, a legally separated or divorced spouse eligible for continued coverage [under] pursuant to section 376.892 who seeks such coverage shall give the plan administrator written notice of the legal separation or dissolution. The notice shall include the mailing address of the legally separated or divorced spouse.

2. Within thirty days of the death of a certificate holder whose surviving spouse is eligible for continued coverage [under] pursuant to section 376.892 or prior to the expiration of a thirty-six month federal Consolidated Omnibus Budget Reconciliation Act (COBRA) continuation period covering such surviving spouse, if such spouse has elected and maintained such COBRA coverage, the group policyholder shall give the plan administrator written notice of the death and of the mailing address of the surviving spouse.

3. Within fourteen days of receipt of notice [under] pursuant to subsection 1 or 2 of this section, the plan administrator shall notify the legally separated, divorced or surviving spouse that the policy may be continued. The notice shall be mailed to the mailing address provided to the plan administrator and shall include:

(1) A form for election to continue the coverage;

(2) A statement of the amount of periodic premiums to be charged for the continuation of coverage and of the method and place of payment; [and]

(3) Instructions for returning the election form by mail within sixty days after the date of mailing of the notice by the plan administrator; **and**

(4) Notice that if insurance is continued the insurer is required to provide both parents of a covered child with coverage information upon request regardless of whether the parent is the primary policyholder pursuant to section 376.895.

4. Failure of the legally separated, divorced or surviving spouse to exercise the election in accordance with subsection 3 of this section shall terminate the right to continuation of benefits.

5. If a plan administrator was properly notified pursuant to the provisions of subsection 1 or 2 of this section and fails to notify the legally separated, divorced or surviving spouse as required by subsection 3 of this section, such spouse's coverage shall continue in effect, and such spouse's obligation to make any premium payment for continuation coverage [under] **pursuant to** sections 376.891 to 376.894 shall be postponed for the period of time beginning on the date the spouse's coverage would otherwise terminate and ending thirty-one days after the date the plan administrator provides the required notice. Failure or delay by a plan administrator in providing the notice required by this section shall not reduce, eliminate or postpone the plan sponsor's obligation to pay premiums on behalf of such legally separated, divorced or surviving spouse to the plan administrator during such period.

6. The provisions of sections 376.891 to 376.894 apply only to employers with twenty or more employees and any policy, contract or plan with twenty or more certificate holders.

376.895. Any health carrier, as defined in section 376.1350, providing coverage for a child with parents who are legally separated or divorced shall provide upon request coverage information regarding such child to both parents regardless of whether the inquiring parent is the primary policyholder."; and

Further amend said bill, Page 38, Section 376.1250, Line 22 of said page, by inserting after all of said line the following:

"376.1350. For purposes of sections 376.1350 to 376.1390, the following terms mean:

(1) "Adverse determination", a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the payment for the requested service is therefore denied, reduced or terminated;

(2) "Ambulatory review", utilization review of health care services performed or provided in an outpatient setting;

(3) "Case management", a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions;

(4) "Certification" **or "certifies"**, a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness, **and that the service is a covered benefit under the plan;**

(5) "Clinical peer", a physician or other health care professional who holds a nonrestricted license in a state of the United States and in the same or similar specialty as typically manages the medical condition, procedure or treatment under review;

- (6) "Clinical review criteria", the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by the health carrier to determine the necessity and appropriateness of health care services;
- (7) "Concurrent review", utilization review conducted during a patient's hospital stay or course of treatment;
- (8) "Covered benefit" or "benefit", a health care service that an enrollee is entitled under the terms of a health benefit plan;
- (9) "Director", the director of the department of insurance;
- (10) "Discharge planning", the formal process for determining, prior to discharge from a facility, the coordination and management of the care that a patient receives following discharge from a facility;
- (11) "Drug", any substance prescribed by a licensed health care provider acting within the scope of the provider's license and that is intended for use in the diagnosis, mitigation, treatment or prevention of disease. The term includes only those substances that are approved by the FDA for at least one indication;
- (12) "Emergency medical condition", the sudden and, at the time, unexpected onset of a health condition that manifests itself by symptoms of sufficient severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that immediate medical care is required, which may include, but shall not be limited to:
 - (a) Placing the person's health in significant jeopardy;
 - (b) Serious impairment to a bodily function;
 - (c) Serious dysfunction of any bodily organ or part;
 - (d) Inadequately controlled pain; or
 - (e) With respect to a pregnant woman who is having contractions:
 - a. That there is inadequate time to effect a safe transfer to another hospital before delivery; or
 - b. That transfer to another hospital may pose a threat to the health or safety of the woman or unborn child;
- (13) "Emergency service", a health care item or service furnished or required to evaluate and treat an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;
- (14) "Enrollee", a policyholder, subscriber, covered person or other individual participating in a health benefit plan;
- (15) "FDA", the federal Food and Drug Administration;
- (16) "Facility", an institution providing health care services or a health care setting, including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings;
- (17) "Grievance", a written complaint submitted by or on behalf of an enrollee regarding the:
 - (a) Availability, delivery or quality of health care services, including a complaint regarding an adverse determination made pursuant to utilization review;
 - (b) Claims payment, handling or reimbursement for health care services; or

(c) Matters pertaining to the contractual relationship between an enrollee and a health carrier;

(18) "Health benefit plan", a policy, contract, certificate or agreement entered into, offered or issued by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services;

(19) "Health care professional", a physician or other health care practitioner licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law;

(20) "Health care provider" or "provider", a health care professional or a facility;

(21) "Health care service", a service **or prescription medication** for the diagnosis, prevention, treatment, cure or relief of a health condition, illness, injury or disease;

(22) "Health carrier", an entity subject to the insurance laws and regulations of this state that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits or health services;

(23) "Health indemnity plan", a health benefit plan that is not a managed care plan;

(24) "Managed care plan", a health benefit plan that either requires an enrollee to use, or creates incentives, including financial incentives, for an enrollee to use, health care providers managed, owned, under contract with or employed by the health carrier;

(25) "Participating provider", a provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to enrollees with an expectation of receiving payment, other than coinsurance, co-payments or deductibles, directly or indirectly from the health carrier;

(26) "Peer-reviewed medical literature", a published scientific study in a journal or other publication in which original manuscripts have been published only after having been critically reviewed for scientific accuracy, validity and reliability by unbiased independent experts, and that has been determined by the International Committee of Medical Journal Editors to have met the uniform requirements for manuscripts submitted to biomedical journals or is published in a journal specified by the United States Department of Health and Human Services pursuant to section 1861(t)(2)(B) of the Social Security Act, as amended, as acceptable peer-reviewed medical literature. Peer-reviewed medical literature shall not include publications or supplements to publications that are sponsored to a significant extent by a pharmaceutical manufacturing company or health carrier;

(27) "Person", an individual, a corporation, a partnership, an association, a joint venture, a joint stock company, a trust, an unincorporated organization, any similar entity or any combination of the foregoing;

(28) "Prospective review", utilization review conducted prior to an admission or a course of treatment;

(29) "Retrospective review", utilization review of medical necessity that is conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment;

(30) "Second opinion", an opportunity or requirement to obtain a clinical evaluation by a provider other than the one originally making a recommendation for a proposed health service to assess the clinical necessity and appropriateness of the initial proposed health service;

(31) "Stabilize", with respect to an emergency medical condition, that no material deterioration of the condition is likely to result or occur before an individual may be transferred;

(32) "Standard reference compendia":

(a) The American Hospital Formulary Service-Drug Information; or

(b) The United States Pharmacopoeia-Drug Information;

(33) "Utilization review", a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, health care services, procedures, or settings. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review. Utilization review shall not include elective requests for clarification of coverage;

(34) "Utilization review organization", a utilization review agent as defined in section 374.500, RSMo.

376.1361. 1. A utilization review program shall use documented clinical review criteria that are based on sound clinical evidence and are evaluated periodically to assure ongoing efficacy. A health carrier may develop its own clinical review criteria, or it may purchase or license clinical review criteria from qualified vendors. A health carrier shall make available its clinical review criteria upon request by either the director of the department of health or the director of the department of insurance.

2. Any medical director who administers the utilization review program or oversees the review decisions shall be a qualified health care professional licensed in the state of Missouri. A licensed clinical peer shall evaluate the clinical appropriateness of adverse determinations.

3. A health carrier shall issue utilization review decisions in a timely manner pursuant to the requirements of sections 376.1363, 376.1365 and 376.1367. A health carrier shall obtain all information required to make a utilization review decision, including pertinent clinical information. A health carrier shall have a process to ensure that utilization reviewers apply clinical review criteria consistently.

4. A health carrier's data systems shall be sufficient to support utilization review program activities and to generate management reports to enable the health carrier to monitor and manage health care services effectively.

5. If a health carrier delegates any utilization review activities to a utilization review organization, the health carrier shall maintain adequate oversight, which shall include:

(1) A written description of the utilization review organization's activities and responsibilities, including reporting requirements;

(2) Evidence of formal approval of the utilization review organization program by the health carrier; and

(3) A process by which the health carrier evaluates the performance of the utilization review organization.

6. The health carrier shall coordinate the utilization review program with other medical management activities conducted by the carrier, such as quality assurance, credentialing, provider contracting, data reporting, grievance procedures, processes for accessing member satisfaction and risk management.

7. A health carrier shall provide enrollees and participating providers with timely access to its review staff by a toll-free number.

8. When conducting utilization review, the health carrier shall collect only the information necessary to certify the admission, procedure or treatment, length of stay, frequency and duration of services.

9. Compensation to persons providing utilization review services for a health carrier shall not contain direct or indirect incentives for such persons to make medically inappropriate review decisions. Compensation to any such persons may not be directly or indirectly based on the quantity or type of adverse determinations rendered.

10. A health carrier shall permit enrollees or a provider on behalf of an enrollee to appeal for the coverage of medically necessary pharmaceutical prescriptions and durable medical equipment as part of the health carriers'

utilization review process.

11. (1) This subsection shall apply to:

(a) Any health benefit plan that is issued, amended, delivered or renewed on or after January 1, 1998, and provides coverage for drugs; or

(b) Any person making a determination regarding payment or reimbursement for a prescription drug pursuant to such plan.

(2) A health benefit plan that provides coverage for drugs shall provide coverage for any drug prescribed to treat an indication so long as the drug has been approved by the FDA for at least one indication, if the drug is recognized for treatment of the covered indication in one of the standard reference compendia or in substantially accepted peer-reviewed medical literature and deemed medically appropriate.

(3) This section shall not be construed to require coverage for a drug when the FDA has determined its use to be contraindicated for treatment of the current indication.

(4) A drug use that is covered pursuant to subsection 1 of this section shall not be denied coverage based on a "medical necessity" requirement except for a reason that is unrelated to the legal status of the drug use.

(5) Any drug or service furnished in a research trial, if the sponsor of the research trial furnishes such drug or service without charge to any participant in the research trial, shall not be subject to coverage pursuant to subsection 1 of this section.

(6) Nothing in this section shall require payment for nonformulary drugs, except that the state may exclude or otherwise restrict coverage of a covered outpatient drug from Medicaid programs as specified in the Social Security Act, Section 1927(d)(1)(B).

(7) Every health carrier shall notify the dispensing pharmacy, prescribing physician and enrollee when a nonformulary drug is authorized with conditions, such as an authorization for a limited period of time.

12. A carrier shall issue a confirmation number to an enrollee when the health carrier, acting through a participating provider or other authorized representative, [authorizes] **certifies** the provision of health care services.

13. If an authorized representative of a health carrier [authorizes] **certifies** the provision of health care services, the health carrier shall not subsequently retract its [authorization] **certification** after the health care services have been provided, or reduce payment for an item or service furnished in reliance on [approval] **such certification**, unless:

(1) Such [authorization] **certification** is based on a material misrepresentation or omission about the treated person's health condition or the cause of the health condition; or

(2) The health benefit plan terminates before the health care services are provided; [or]

(3) The covered person's coverage under the health benefit plan terminates before the health care services are provided;
or

(4) The covered person's coverage under the health benefit plan has exceeded such person's annual or lifetime benefits limit.

376.1367. When conducting utilization review or making a benefit determination for emergency services:

(1) A health carrier shall cover emergency services necessary to screen and stabilize an enrollee and shall not require prior authorization of such services;

(2) Coverage of emergency services shall be subject to applicable co-payments, coinsurance and deductibles;

(3) When an enrollee receives an emergency service that requires immediate post evaluation or post stabilization services, a health carrier shall provide [an authorization] **a certification** decision within [sixty] **forty-five** minutes of receiving a request; if the [authorization] **certification** decision is not made within [thirty] **forty-five** minutes, such services shall be deemed approved."; and

Further amend said bill, Page 55, Section 3, Line 2 of said page, by inserting after all of said line the following:

"Section 4. 1. All managed care organizations, as defined in section 198.530, RSMo, shall allow the enrollee the right to select a long-term care facility licensed pursuant to chapter 198, RSMo, with the same religious orientation as demonstrated by the enrollee. If a religiously appropriate facility is not included in the managed care organization's provider network and one is available, the managed care organization shall provide the enrollee the option to receive care from an out-of-network long-term care facility licensed pursuant to chapter 198, RSMo, if the following conditions apply:

(1) The facility is willing and able to provide the services to the resident; and

(2) The facility and those health care professionals delivering services to residents pursuant to this section meet the licensing and training standards as prescribed by law; and

(3) The facility is certified through Medicare; and

(4) The facility and those health care professionals delivering services to residents pursuant to this section agree to abide by the terms and conditions of the managed care organization's contracts with similar providers, abide by patient protection standards and requirements imposed by state or federal law for plan enrollees and meet the quality standards established by the managed care organization for similar providers.

2. The managed care organization shall reimburse the facility at a rate of reimbursement consistent with the carrier's contract with the Health Care Financing Administration for long-term care services."; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 274** and grants the Senate a conference thereon. Further, that the conferees are allowed to exceed the differences on county employees.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SB 274**. Representatives: Harlan, Harding, Lowe, Froelker and Portwood.

PRIVILEGED MOTIONS

Senator Sims moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 236**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 274**: Senators Caskey, Kenney, Foster, Jacob and Gross.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 812, regarding the Halfway High School Academic Team, which was adopted.

Senator Yeckel offered Senate Resolution No. 813, regarding Rebecca Holian, Carrollton, Texas, which was adopted.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Tuesday, May 15, 2001.

SENATE CALENDAR

SEVENTY-THIRD DAY-TUESDAY, MAY 15, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334

& 228-Kinder

(In Budget Control) SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS HOUSE BILLS ON THIRD READING

1. HCS for HB 50, with

SCS (Stoll)

(In Budget Control)

2. HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

3. HB 501-Bowman, et al,

with SCS (Steelman)

(In Budget Control)

4. HS for HCS for HB 824-

Abel (Mathewson)

(In Budget Control)

5. HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

6. HS for HB 736-Liese,

with SCS (Yeckel)

(In Budget Control)

7. HCS for HJR 7, with SCS

(Staples) (In Budget Control)

8. HB 249-Treadway, with

SCS (Kinder)

(In Budget Control)

9. HS for HCS for HBs 835, 90,

707, 373, 641, 510, 516 &

572-Britt, with SCS (Caskey)

(In Budget Control)

10. HS for HB 555-Foley,

with SCS (Scott)

(In Budget Control)

11. HS for HB 349-Hosmer,

with SCS (Sims)

(In Budget Control)

12. HS for HCS for HBs 237,

270, 403 & 442-Smith, with

SCA 1 (Yeckel)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with

SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al, with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 586-Klindt, with SCS &

SA 2 (pending)

SB 593-Klindt, with SCS

SJR 11-Yeckel

HOUSE BILLS ON THIRD READING

HB 70-Koller, with SCA 1

(Staples)

HB 80-Ross, with SCS &

SA 9 (pending) (Kenney)

SCS for HB 120-O'Connor

(Caskey)

(In Budget Control)

HB 133-Gambaro, with SCS

(Yeckel)

HB 185-Legan, et al, with

SCS (Gross)

HB 219-Townley, et al,

with SCS (Cauthorn)

HB 285-Riback Wilson,

et al, with SS, SS for

SS, SA 8 & point of

order (pending) (Jacob)

HS for HCS for HB 327-

Rizzo, with SCS (Quick)

HS for HCS for HBs 328 &

88-Harlan, with SCS (Sims)

HB 385-Franklin, with SCS,

SS for SCS & SA 8

(pending) (Foster)

HB 436-Merideth, et al (Childers)

HB 444-Kreider, et al,

with SCA 1 (Wiggins)

HB 471-Jolly, et al, with

SCS (Wiggins)

HS for HCS for HB 488-

Koller, with SCS (Childers)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HCS for HB 581, with SCS

(Klindt)

HB 662-Green (73) and St.

Onge, with SCS & SA 2

(pending) (Foster)

HB 678-Seigfreid, with

SCS (pending)

(Mathewson)

HS for HCS for HB 762-

Barry, with SCS, SS for

SCS, SA 8 & SSA 1 for

SA 8 (pending)

(Sims and Stoll)

HCS for HB 780, with SCS

(Kenney)

HS for HB 882-Crump, with

SCS (Singleton)

HS for HCS for HBs 924,

714, 685, 756, 734 &

518-Wiggins, with SCS

(Mathewson)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HS for HCS for HB 1000-

Hosmer, with SCS (Klindt)

HJR 5-Barry, et al, with SS,

SA 1 & point of order

(pending) (Yeckel)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al (Stoll) SENATE BILLS WITH HOUSE AMENDMENTS

SB 307-Jacob, with HCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SCS for SB 151-Childers, with HCS

(Further conference granted)

SS for SB 193-Rohrbach,

with HCS, as amended

(Senate offered CCR)

SB 274-Caskey, with HCS

SB 304-Klarich, with HCS

SB 319-Carter, with HCS,

as amended

SS for SCS for SBs 323 &

230-Childers, with HS,

as amended

(Senate adopted CCR
and passed CCS)

SB 462-Westfall, with HCS,
as amended

SB 610-Westfall, with HCS

HCS for HBs 205, 323 &

549, with SCS (Childers)

HCS for HBs 302 & 38,

with SCS, as amended

(Westfall)

HS for HB 421-Hoppe, with

SS for SCS, as amended

(Kinder) Requests to Recede or Grant Conference

SB 72-Loudon, with HS for

HCS, as amended

(Senate requests House

recede or grant conference)

SCS for SB 236-Sims, with

HS for HCS, as amended

(Senate requests House

recede or grant conference)

SB 460-Klarich, with HS

for HCS, as amended

(Senate requests House

recede or grant conference) RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3
& SSA 1 for SA 3 (pending)

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt
(House)

SR 495-Klarich, with SCS

SCR 33-Westfall

HCR 22-Barnitz (Cauthorn)

HCR 23-Holand (Bentley)

HS for HCR 25-Graham

(Jacob) Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-THIRD DAY--TUESDAY, MAY 15, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"O the depth of the riches and wisdom and knowledge of God! How unreachable are his judgments and how inscrutable his ways!" (Romans 11:33)

Dear God, we thank You for creating good out of the rubble of life. Only You can bring good out of the storms we experience. Deliver to us Your promise of the seeds You have planted within us that they may yield the product we've worked hard to bring forth; and the truth we share in following Your lead. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV and KTVI-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **HCR 22** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **HCR 22** was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt

Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Bland	Foster	Schneider--3	
	Absent with leave--Senator Carter--1		

Senator Bentley moved that **HCR 23** be taken up for adoption, which motion prevailed.

On motion of Senator Bentley, **HCR 23** was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Singleton--1		
	Absent with leave--Senator Carter--1		

Senator Westfall moved that **SCR 33** be taken up for adoption, which motion prevailed.

Senator Westfall offered **SS** for **SCR 33**:

SENATE SUBSTITUTE FOR

SENATE CONCURRENT RESOLUTION NO. 33

WHEREAS, the Missouri Department of Transportation recently announced that there is a \$25 billion funding gap for highways and bridges for the next twenty years; and

WHEREAS, the Transportation Commission's decision to abandon the 15-Year Plan has caused many Missourians to question the ability of the Missouri Department of Transportation to fulfill its promises and obligations; and

WHEREAS, the highways and transportation infrastructure of Missouri is important to the state's economy and the safety of its citizens; and

WHEREAS, the current system of state funding has moved Missouri into a precarious position with respect to meeting its highway and transportation needs:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint legislative interim committee on funding for highways and transportation be created to be composed of nine members of the Senate, to be appointed by the President Pro Tem of the Senate, and nine members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee review previous studies that have analyzed funding for Missouri's transportation needs and analyze current expenditures and funding sources and any statutory or constitutional restraints on such expenditures and make any recommendations it deems appropriate concerning this issue; and

BE IT FURTHER RESOLVED that said committee conduct public hearings across the state to make the public aware of Missouri's transportation

needs and that the committee solicit from the public information regarding the public's preferred methods of addressing such needs; and

BE IT FURTHER RESOLVED that said committee prepare a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Transportation, political subdivisions and other interested parties of this state; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

Senator Westfall moved that **SS** for **SCR 33** be adopted.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 33, Page 2, Line 3, by inserting after all of said line the following:

"BE IT FURTHER RESOLVED that said committee conduct studies of damage caused by trucks traveling on Missouri roadways and conduct studies concerning various speeds of trucks traveling on Missouri roadways as such speeds relate to safety to drivers and to damage on the roadways; and".

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, House, Scott and Stoll.

Senator Westfall offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Concurrent Resolution No. 33, Page 1, Line 23, by inserting after the word "analyzed", "causes of damage to highways and".

Senator Westfall moved that the above substitute amendment be adopted.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

SA 1 was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Steelman

Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Caskey	Singleton--2		
	Absent--Senators		
Dougherty	Schneider	Staples--3	
	Absent with leave--Senator Carter--1		

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Concurrent Resolution No. 33, Page 2, Line 13, by inserting after the word "Assembly" the following: "and previous to any utilization of new funding available to the Missouri Department of Transportation after July 1, 2001."

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Concurrent Resolution No. 33, Page 1, Line 23, by inserting after the word "analyzed", "causes of damage to highways and".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Westfall moved that **SS** for **SCR 33**, as amended, be adopted, which motion prevailed.

Senator Westfall moved that **SCR 33**, as amended by the **SS**, be adopted, which motion failed to receive a constitutional majority by the following vote:

	YEAS--Senators		
Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Steelman	Westfall
Yeckel--17			
	NAYS--Senators		
Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Mathewson	Quick	Schneider	Scott
Staples	Stoll	Wiggins--15	
	Absent--Senator Singleton--1		
	Absent with leave--Senator Carter--1		

HOUSE BILLS ON THIRD READING

Senator Klindt moved, pursuant to the provisions of Senate Rule 6, that **HS** for **HCS** for **HB 1000**, with **SCS**, entitled:

An Act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

Be called from the Informal Calendar and taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HS** for **HCS** for **HB 1000**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1000

An Act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

Was taken up.

Senator Klindt moved that **SCS** for **HS** for **HCS** for **HB 1000** be adopted.

Senator Gibbons offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1000, Pages 2-17, Section 128.400, Lines 2-555, by striking said lines and inserting in lieu thereof the following:

"**St. Louis County (part)**

VTD: 18910 Airport26

VTD: 18911 Airport27&49&62

VTD: 18912 Airport29&53

VTD: 189127 CreveCoeur11&12&13

VTD: 189128 CreveCoeur14&15&24&51

VTD: 189129 CreveCoeur16&82

VTD: 18913 Airport30

VTD: 189130 CreveCoeur17&47&58

VTD: 189132 CreveCoeur20&28&30&38& 46&60&63&64&65

VTD: 189133 CreveCoeur21&39&67&68 &69&70&71&72&73&74

VTD: 189134 CreveCoeur22&40&61&75 &76&77&78&79&80&818

VTD: 189135 CreveCoeur23&33

VTD: 189136 CreveCoeur25

VTD: 189137 CreveCoeur26

VTD: 189138 CreveCoeur27

VTD: 189139 CreveCoeur29&31&37&45

VTD: 18914 Airport31&33

VTD: 189140 CreveCoeur3&5

VTD: 189141 CreveCoeur34&66

VTD: 189142 CreveCoeur35

VTD: 189143 CreveCoeur36&55

VTD: 189144 CreveCoeur4&32&50&56&59

VTD: 189145 CreveCoeur42

VTD: 189146 CreveCoeur43&57&62

VTD: 189147 CreveCoeur44

VTD: 189148 CreveCoeur48

VTD: 189150 CreveCoeur53&54

VTD: 189152 CreveCoeur6&8&18&19&41 &52&83

VTD: 189153 CreveCoeur7MHT13&29

VTD: 189154 Ferguson1&12&21

VTD: 189155 Ferguson10

VTD: 189156 Ferguson11

VTD: 189157 Ferguson14&31&40&55

VTD: 189158 Ferguson16&17

VTD: 189159 Ferguson18&19&27

VTD: 18916 Airport32&37&41

VTD: 189160 Ferguson2&4&25&39

VTD: 189161 Ferguson20&60

VTD: 189162 Ferguson22&29

VTD: 189163 Ferguson24&26

VTD: 189164 Ferguson28&30

VTD: 189165 Ferguson3&13&15&23&51

VTD: 189166 Ferguson32&36

VTD: 189167 Ferguson33&56

VTD: 189168 Ferguson34&35

VTD: 189169 Ferguson42

VTD: 18917 Airport34&64

VTD: 189170 Ferguson43

VTD: 189171 Ferguson44&45&46&52

VTD: 189172 Ferguson47

VTD: 189173 Ferguson48&50

VTD: 189174 Ferguson49

VTD: 189175 Ferguson5

VTD: 189176 Ferguson58SPL9

VTD: 189177 Ferguson59

VTD: 189178 Ferguson6

VTD: 189179 Ferguson7&37

VTD: 18918 Airport4&28

VTD: 189180 Ferguson8&38&57

VTD: 189181 Ferguson9

VTD: 189183 Florissant1&2LC20SPL4

VTD: 189184 Florissant12&24&33&36&46

VTD: 189185 Florissant14&28&47

VTD: 189186 Florissant15

VTD: 189187 Florissant16&26&29&41&49

VTD: 189188 Florissant17

VTD: 189189 Florissant19&42&18&23

VTD: 18919 Airport44

VTD: 189190 Florissant20&37&48

VTD: 189191 Florissant21&44&50

VTD: 189192 Florissant22&32

VTD: 189193 Florissant27&31&40

VTD: 189194 Florissant3FER41

VTD: 189195 Florissant30&35

VTD: 189196 Florissant4&11

VTD: 189197 Florissant5&25

VTD: 189198 Florissant51&52

VTD: 189199 Florissant6&13

VTD: 1892 Airport1&2&3&6&20&48&51

VTD: 18920 Airport47

VTD: 189200 Florissant7&34&38&39

VTD: 189201 Florissant8

VTD: 189202 Florissant9&10&45

VTD: 18921 Airport5&18&21&39&46&57 &59&63

VTD: 18922 Airport50

VTD: 18923 Airport54

VTD: 18924 Airport56

VTD: 18925 Airport60

VTD: 189251 Hadley6

VTD: 189252 Hadley7&8&36

VTD: 189254 HallsFerry1&2&3&6

VTD: 189255 HallsFerry10

VTD: 189256 HallsFerry11

VTD: 189257 HallsFerry12&13

VTD: 189258 HallsFerry14

VTD: 189259 HallsFerry15

VTD: 18926 Airport7&52

VTD: 189260 HallsFerry16&17&18&19

VTD: 189261 HallsFerry20

VTD: 189262 HallsFerry21

VTD: 189263 HallsFerry22

VTD: 189264 HallsFerry23&24

VTD: 189265 HallsFerry25&34&35

VTD: 189266 HallsFerry26&27&28&31& 32&33

VTD: 189267 HallsFerry29&30FER61

VTD: 189268 HallsFerry37&38&39

VTD: 189269 HallsFerry4

VTD: 18927 Airport8&12

VTD: 189270 HallsFerry41&42

VTD: 189271 HallsFerry5

VTD: 189272 HallsFerry7

VTD: 189273 HallsFerry8&9

VTD: 18928 Airport9&13

VTD: 1893 Airport10&36&43

VTD: 189347 Lewis&Clark1&18

VTD: 189348 Lewis&Clark10

VTD: 189349 Lewis&Clark11&16&38NW 33&63

VTD: 189350 Lewis&Clark14&28&42

VTD: 189351 Lewis&Clark15&33&40

VTD: 189352 Lewis&Clark17&26&30&35 &39&24

VTD: 189353 Lewis&Clark19&27

VTD: 189354 Lewis&Clark2&3

VTD: 189355 Lewis&Clark21&31

VTD: 189356 Lewis&Clark23&25&37FLO 43

VTD: 189357 Lewis&Clark29&43

VTD: 189358 Lewis&Clark36

VTD: 189359 Lewis&Clark4

VTD: 189360 Lewis&Clark5

VTD: 189361 Lewis&Clark6&9

VTD: 189362 Lewis&Clark7&13&34&41

VTD: 189363 Lewis&Clark8&22

VTD: 189365 MarylandHeights10&38&40

VTD: 189366 MarylandHeights11&23

VTD: 189368 MarylandHeights14

VTD: 189370 MarylandHeights17&25

VTD: 189378 MarylandHeights31&32&41 &43 (part)

BLK: 151411011

BLK: 151423001

BLK: 151423002

BLK: 151423016

BLK: 151423017

VTD: 189382 MarylandHeights8&21&28

VTD: 1894 Airport11&40&55MID32&46

VTD: 189410 Midland1&10

VTD: 189411 Midland12

VTD: 189412 Midland13&40

VTD: 189413 Midland14

VTD: 189414 Midland15&16&36&51

VTD: 189415 Midland17&52

VTD: 189416 Midland18&24

VTD: 189417 Midland19&34&38

VTD: 189418 Midland2&3&45

VTD: 189419 Midland20&29

VTD: 189420 Midland21&41&47

VTD: 189421 Midland26&54

VTD: 189422 Midland27&44

VTD: 189423 Midland28&31

VTD: 189424 Midland33

VTD: 189425 Midland35&39&55

VTD: 189426 Midland37

VTD: 189427 Midland4

VTD: 189428 Midland42&50

VTD: 189429 Midland25&43

VTD: 189430 Midland48

VTD: 189431 Midland49

VTD: 189432 Midland5&8&53

VTD: 189433 Midland6&11

VTD: 189434 Midland7&22

VTD: 189435 Midland9&23&30

VTD: 189461 Normandy1

VTD: 189462 Normandy10&42&43&75

VTD: 189463 Normandy11&36&39&47& 67&76

VTD: 189464 Normandy12&17&54NRW19

VTD: 189465 Normandy13&31

VTD: 189466 Normandy14&24

VTD: 189467 Normandy15&35&49

VTD: 189468 Normandy16&41&46&68

VTD: 189469 Normandy18&48

VTD: 189470 Normandy2

VTD: 189471 Normandy20&25&44

VTD: 189472 Normandy21

VTD: 189473 Normandy22&33&70&71

VTD: 189474 Normandy19&26&23&27&

28

VTD: 189475 Normandy29

VTD: 189476 Normandy3

VTD: 189477 Normandy30&40&50&51& 57&61

VTD: 189478 Normandy32

VTD: 189479 Normandy34

VTD: 189480 Normandy38&AP58

VTD: 189481 Normandy4&72

VTD: 189482 Normandy45&73&74

VTD: 189483 Normandy5&52

VTD: 189484 Normandy53

VTD: 189485 Normandy55&59&60

VTD: 189486 Normandy56

VTD: 189487 Normandy58

VTD: 189488 Normandy6&7

VTD: 189489 Normandy64&69&65&66&78

VTD: 189490 Normandy77AP17NRW18&20

VTD: 189491 Normandy9&37

VTD: 189492 Northwest1

VTD: 189493 Northwest10&53

VTD: 189494 Northwest12&57

VTD: 189496 Northwest14&15&16

VTD: 189497 Northwest17&39&45AP35& 38&42

VTD: 189498 Northwest18&41

VTD: 189499 Northwest19

VTD: 1895 Airport14&15

VTD: 189500 Northwest2&4

VTD: 189501 Northwest20&40

VTD: 189503 Northwest25&27&46&47&54

VTD: 189504 Northwest26

VTD: 189505 Northwest28&50

VTD: 189506 Northwest29&31&38&42

VTD: 189507 Northwest3

VTD: 189508 Northwest34LC12&32

VTD: 189509 Northwest36&49

VTD: 189510 Northwest37AP23

VTD: 189511 Northwest43

VTD: 189512 Northwest48

VTD: 189513 Northwest55

VTD: 189514 Northwest59&62

VTD: 189515 Northwest6

VTD: 189516 Northwest7&24&30&44&56

VTD: 189517 Northwest8&32

VTD: 189518 Northwest9&22&23&51&52

VTD: 189519 Norwood1

VTD: 189520 Norwood17

VTD: 189521 Norwood2&3&4

VTD: 189522 Norwood21&24

VTD: 189523 Norwood22&23

VTD: 189524 Norwood25&26

VTD: 189525 Norwood27&28

VTD: 189526 Norwood29

VTD: 189527 Norwood30&32&33&36&57

VTD: 189528 Norwood31&34HLF36

VTD: 189529 Norwood35HLF40

VTD: 189530 Norwood37&38&40

VTD: 189531 Norwood39&41

VTD: 189532 Norwood42&43&48&49&50

VTD: 189533 Norwood44&51&53

VTD: 189534 Norwood45&46

VTD: 189535 Norwood47

VTD: 189536 Norwood5&6&7

VTD: 189537 Norwood52&54&55

VTD: 189538 Norwood56NOR8

VTD: 189539 Norwood8&9&10&11&12 &13&14&15&16

VTD: 189580 SpanishLake1&35

VTD: 189581 SpanishLake10&34

VTD: 189582 SpanishLake11&29

VTD: 189583 SpanishLake12&20

VTD: 189584 SpanishLake14

VTD: 189585 SpanishLake15&22

VTD: 189586 SpanishLake16

VTD: 189587 SpanishLake17

VTD: 189588 SpanishLake2&3

VTD: 189589 SpanishLake21&33

VTD: 189590 SpanishLake23

VTD: 189591 SpanishLake24&25

VTD: 189592 SpanishLake26

VTD: 189593 SpanishLake27

VTD: 189594 SpanishLake30&31SF4

VTD: 189595 SpanishLake32

VTD: 189596 SpanishLake5&18

VTD: 189597 SpanishLake6&28

VTD: 189598 SpanishLake7

VTD: 189599 SpanishLake8&13&19

VTD: 1896 Airport16

VTD: 189600 St.Ferdinand1

VTD: 189601 St.Ferdinand10

VTD: 189602 St.Ferdinand13&14

VTD: 189603 St.Ferdinand15&16&24

VTD: 189604 St.Ferdinand18&20&38

VTD: 189605 St.Ferdinand19&28

VTD: 189606 St.Ferdinand2

VTD: 189607 St.Ferdinand23&35

VTD: 189608 St.Ferdinand25

VTD: 189609 St.Ferdinand26&36&37

VTD: 189610 St.Ferdinand11712&17&21& 22&27&30&34

VTD: 189611 St.Ferdinand29&33

VTD: 189612 St.Ferdinand3

VTD: 189613 St.Ferdinand31&32

VTD: 189614 St.Ferdinand5

VTD: 189615 St.Ferdinand6&8

VTD: 189616 St.Ferdinand7&9

VTD: 189638 University1&2&3

VTD: 189639 University11&12

VTD: 189640 University13&14

VTD: 189641 University15&16

VTD: 189642 University17

VTD: 189643 University18&19

VTD: 189644 University20&21

VTD: 189645 University22

VTD: 189646 University23&30

VTD: 189647 University24&29

VTD: 189648 University25&26

VTD: 189649 University27&37

VTD: 189650 University28&34

VTD: 189651 University31&32&41CLA5& 56

VTD: 189652 University33&40

VTD: 189653 University35&36&42

VTD: 189654 University38

VTD: 189655 University39

VTD: 189656 University4&10

VTD: 189657 University5&6&7NOR62&63

VTD: 189658 University8&9

VTD: 1897 Airport19&45&61NW5&11&60 &61

VTD: 1898 Airport22

VTD: 1899 Airport24&25

St. Louis City (part)

VTD: 51010 Ward1Pct5

VTD: 510109 Ward17Pct1

VTD: 51011 Ward1Pct6

VTD: 510110 Ward17Pct10

VTD: 510113 Ward17Pct13

VTD: 510114 Ward17Pct14

VTD: 510115 Ward17Pct15

VTD: 510117 Ward17Pct2

VTD: 510118 Ward17Pct3

VTD: 510119 Ward17Pct5

VTD: 51012 Ward1Pct7

VTD: 510120 Ward17Pct6

VTD: 510121 Ward17Pct7

VTD: 510122 Ward17Pct8

VTD: 510123 Ward17Pct9

VTD: 510124 Ward18Pct1

VTD: 510125 Ward18Pct10

VTD: 510126 Ward18Pct11

VTD: 510127 Ward18Pct12

VTD: 510128 Ward18Pct13

VTD: 510129 Ward18Pct14

VTD: 51013 Ward1Pct8

VTD: 510130 Ward18Pct2

VTD: 510131 Ward18Pct3

VTD: 510132 Ward18Pct4

VTD: 510133 Ward18Pct5

VTD: 510134 Ward18Pct6

VTD: 510135 Ward18Pct7

VTD: 510136 Ward18Pct8

VTD: 510137 Ward18Pct9

VTD: 510138 Ward19Pct1

VTD: 510139 Ward19Pct10

VTD: 51014 Ward1Pct9

VTD: 510140 Ward19Pct11

VTD: 510141 Ward19Pct12

VTD: 510142 Ward19Pct13

VTD: 510143 Ward19Pct2

VTD: 510144 Ward19Pct3

VTD: 510145 Ward19Pct4

VTD: 510146 Ward19Pct5

VTD: 510147 Ward19Pct6

VTD: 510148 Ward19Pct7

VTD: 510149 Ward19Pct8

VTD: 510150 Ward19Pct9

VTD: 510151 Ward2Pct1

VTD: 510152 Ward2Pct10

VTD: 510153 Ward2Pct11

VTD: 510154 Ward2Pct12

VTD: 510155 Ward2Pct2

VTD: 510156 Ward2Pct3

VTD: 510157 Ward2Pct4

VTD: 510158 Ward2Pct5

VTD: 510159 Ward2Pct6

VTD: 510160 Ward2Pct7

VTD: 510161 Ward2Pct8

VTD: 510162 Ward2Pct9

VTD: 510163 Ward20Pct1

VTD: 510164 Ward20Pct10

VTD: 510165 Ward20Pct11

VTD: 510166 Ward20Pct12

VTD: 510167 Ward20Pct13

VTD: 510168 Ward20Pct14

VTD: 510169 Ward20Pct2

VTD: 510170 Ward20Pct3

VTD: 510171 Ward20Pct4

VTD: 510172 Ward20Pct5

VTD: 510173 Ward20Pct6

VTD: 510174 Ward20Pct8

VTD: 510175 Ward20Pct9

VTD: 510176 Ward21Pct1

VTD: 510177 Ward21Pct11

VTD: 510178 Ward21Pct12

VTD: 510179 Ward21Pct13

VTD: 510180 Ward21Pct14

VTD: 510181 Ward21Pct2

VTD: 510182 Ward21Pct3

VTD: 510183 Ward21Pct4

VTD: 510184 Ward21Pct5

VTD: 510185 Ward21Pct6

VTD: 510186 Ward21Pct7

VTD: 510187 Ward21Pct8

VTD: 510188 Ward21Pct9

VTD: 510189 Ward22Pct1

VTD: 510190 Ward22Pct10

VTD: 510191 Ward22Pct11

VTD: 510192 Ward22Pct2

VTD: 510193 Ward22Pct3

VTD: 510194 Ward22Pct4

VTD: 510195 Ward22Pct5

VTD: 510196 Ward22Pct6

VTD: 510197 Ward22Pct7

VTD: 510198 Ward22Pct8

VTD: 510199 Ward22Pct9

VTD: 5102 Ward1Pct1

VTD: 510246 Ward26Pct1

VTD: 510247 Ward26Pct10

VTD: 510248 Ward26Pct11

VTD: 510249 Ward26Pct12

VTD: 510250 Ward26Pct2

VTD: 510251 Ward26Pct3

VTD: 510252 Ward26Pct4

VTD: 510253 Ward26Pct5

VTD: 510254 Ward26Pct6

VTD: 510255 Ward26Pct7

VTD: 510256 Ward26Pct8

VTD: 510257 Ward26Pct9

VTD: 510258 Ward27Pct1

VTD: 510259 Ward27Pct10

VTD: 510260 Ward27Pct11

VTD: 510261 Ward27Pct12

VTD: 510262 Ward27Pct2

VTD: 510263 Ward27Pct3

VTD: 510264 Ward27Pct4

VTD: 510265 Ward27Pct5

VTD: 510266 Ward27Pct6

VTD: 510267 Ward27Pct7

VTD: 510268 Ward27Pct8

VTD: 510269 Ward27Pct9

VTD: 510271 Ward28Pct10

VTD: 510272 Ward28Pct11

VTD: 510273 Ward28Pct12

VTD: 510274 Ward28Pct13

VTD: 510275 Ward28Pct14

VTD: 510276 Ward28Pct15

VTD: 510278 Ward28Pct3

VTD: 510279 Ward28Pct4

VTD: 510280 Ward28Pct5

VTD: 510281 Ward28Pct6

VTD: 510282 Ward28Pct7

VTD: 510283 Ward28Pct8

VTD: 510284 Ward28Pct9

VTD: 510285 Ward3Pct1

VTD: 510286 Ward3Pct10

VTD: 510287 Ward3Pct11

VTD: 510288 Ward3Pct12

VTD: 510289 Ward3Pct2

VTD: 510290 Ward3Pct3

VTD: 510291 Ward3Pct4

VTD: 510292 Ward3Pct5

VTD: 510293 Ward3Pct6

VTD: 510294 Ward3Pct7

VTD: 510295 Ward3Pct8

VTD: 510296 Ward3Pct9

VTD: 510297 Ward4Pct1

VTD: 510298 Ward4Pct10

VTD: 510299 Ward4Pct11

VTD: 5103 Ward1Pct10

VTD: 510300 Ward4Pct12

VTD: 510301 Ward4Pct13

VTD: 510302 Ward4Pct2

VTD: 510303 Ward4Pct3

VTD: 510304 Ward4Pct4

VTD: 510305 Ward4Pct5

VTD: 510306 Ward4Pct6

VTD: 510307 Ward4Pct7

VTD: 510308 Ward4Pct8

VTD: 510309 Ward4Pct9

VTD: 510310 Ward5Pct1

VTD: 510311 Ward5Pct2

VTD: 510312 Ward5Pct3

VTD: 510313 Ward5Pct4

VTD: 510314 Ward5Pct5

VTD: 510315 Ward5Pct6

VTD: 510316 Ward5Pct7

VTD: 510317 Ward5Pct8

VTD: 510318 Ward5Pct9

VTD: 510320 Ward6Pct10

VTD: 510321 Ward6Pct11

VTD: 510323 Ward6Pct3

VTD: 510324 Ward6Pct4

VTD: 510325 Ward6Pct5

VTD: 510326 Ward6Pct6

VTD: 510327 Ward6Pct7

VTD: 510328 Ward6Pct8

VTD: 510329 Ward6Pct9

VTD: 510331 Ward7Pct10

VTD: 510332 Ward7Pct11 (part)

BLK: 231002000

BLK: 231002001

BLK: 231002002

BLK: 231002003

BLK: 231002004

BLK: 231002005

BLK: 231002006

BLK: 231002007

BLK: 231002008

BLK: 231002009

BLK: 231002010

BLK: 231002011

BLK: 231002012

BLK: 231002013

VTD: 510335 Ward7Pct14

VTD: 510337 Ward7Pct3

VTD: 510341 Ward7Pct7

VTD: 510342 Ward7Pct8

VTD: 510347 Ward8Pct12

VTD: 510348 Ward8Pct13 (part)

BLK: 172001002

BLK: 172001003

BLK: 172001004

BLK: 172007000

VTD: 510349 Ward8Pct14

VTD: 510350 Ward8Pct15

VTD: 510351 Ward8Pct16

VTD: 510357 Ward8Pct7 (part)

BLK: 173002000

BLK: 173002001

BLK: 173002002

BLK: 173002003

BLK: 173002004

BLK: 173002005

BLK: 173002006

BLK: 173002007

BLK: 173002008

VTD: 510370 Ward17Pct4

VTD: 510371 Ward20Pct7

VTD: 510372 Ward21Pct10

VTD: 5104 Ward1Pct11

VTD: 5105 Ward1Pct12

VTD: 5106 Ward1Pct13

VTD: 5107 Ward1Pct2

VTD: 5108 Ward1Pct3

VTD: 5109 Ward1Pct4"; and

Further amend said bill, Pages 17 to 37, Section 128.405, Lines 2 to 763, by striking said lines and inserting in lieu thereof the following:

"Lincoln County

St. Charles County (part)

VTD: 18310 107

VTD: 183100 26

VTD: 183101 27

VTD: 183102 3

VTD: 183103 31

VTD: 183104 32

VTD: 183105 33

VTD: 183106 34

VTD: 183107 35

VTD: 183108 36

VTD: 183109 37

VTD: 183110 4

VTD: 183111 41

VTD: 183112 42

VTD: 183113 43

VTD: 183114 44

VTD: 183115 45

VTD: 183117 47

VTD: 183118 5

VTD: 183119 51

VTD: 18312 108

VTD: 183120 52

VTD: 183121 53

VTD: 183122 54

VTD: 183123 55

VTD: 183124 56

VTD: 183125 57

VTD: 183126 6

VTD: 183127 61

VTD: 183128 62

VTD: 183129 63

VTD: 18313 109

VTD: 183130 70

VTD: 183131 71

VTD: 183132 72

VTD: 183133 80

VTD: 183134 81

VTD: 183135 82

VTD: 183136 83 (part)

BLK: 111112002

BLK: 111112023

BLK: 111113996

BLK: 111113997

BLK: 111113998

BLK: 111213023

BLK: 111213024

BLK: 111213026

BLK: 111213027

BLK: 111213028

BLK: 111213029

VTD: 183137 84

VTD: 183138 85

VTD: 183139 86

VTD: 18314 11

VTD: 183140 87

VTD: 183141 88

VTD: 18315 110

VTD: 18316 111

VTD: 18317 12

VTD: 18318 120

VTD: 18319 121

VTD: 1832 1

VTD: 18320 122

VTD: 18321 123

VTD: 18322 124

VTD: 18323 125

VTD: 18324 126

VTD: 18325 127

VTD: 18326 128

VTD: 18327 129

VTD: 18328 13

VTD: 18329 130

VTD: 1833 100

VTD: 18330 131

VTD: 18331 132

VTD: 18332 140

VTD: 18333 141

VTD: 18334 142

VTD: 18335 143

VTD: 18336 144

VTD: 18337 145

VTD: 18338 146

VTD: 18339 147

VTD: 1834 101

VTD: 18340 148

VTD: 18341 149

VTD: 18343 14

VTD: 18344 15

VTD: 18346 151

VTD: 18348 153

VTD: 18349 154

VTD: 1835 102

VTD: 18350 160

VTD: 18351 161

VTD: 18352 162

VTD: 18353 163

VTD: 18354 164

VTD: 18355 165

VTD: 18356 166

VTD: 18357 167

VTD: 18358 168

VTD: 18359 180

VTD: 1836 103

VTD: 18360 181

VTD: 18362 182

VTD: 18363 183

VTD: 18364 184

VTD: 18365 185

VTD: 18366 186

VTD: 1837 104

VTD: 18371 203 (part)

BLK: 111441023

BLK: 111441024

BLK: 111441025

BLK: 111441039

BLK: 111441040

BLK: 111441041

BLK: 111441042

BLK: 111441043

BLK: 111441044

BLK: 111441045

BLK: 111441046

BLK: 111441047

BLK: 111441048

BLK: 111441055

BLK: 111441057

BLK: 111441059

BLK: 111441060

BLK: 111441061

BLK: 111441062

BLK: 111441063

BLK: 111441064

BLK: 111441065

BLK: 111441089

BLK: 111441090

BLK: 111441091

BLK: 111441092

BLK: 111441093

BLK: 111441094

BLK: 111441095

BLK: 111441096

BLK: 111441097

BLK: 111441098

BLK: 111441099

BLK: 111441100

BLK: 111441138

BLK: 119021024

BLK: 119021027

BLK: 119021069

BLK: 119021070

BLK: 119021071

BLK: 119021072

BLK: 119021074

VTD: 18372 204

VTD: 18373 205

VTD: 18374 206 (part)

BLK: 111243032

BLK: 111243033

BLK: 111243034

BLK: 111243054

BLK: 111243055

BLK: 111243056

BLK: 111243057

BLK: 111243058

BLK: 111243059

BLK: 111243060

BLK: 111243061

BLK: 111243062

BLK: 111243063

BLK: 111243065

BLK: 111243074

BLK: 111344029

BLK: 111344030

BLK: 111344031

BLK: 111344032

BLK: 111344033

BLK: 111344034

BLK: 111344035

BLK: 111344036

BLK: 111344037

BLK: 111344038

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BLK: 111344040

BLK: 111344041

BLK: 111344042

BLK: 111344043

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BLK: 111344081

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BLK: 111344095

BLK: 111344096

BLK: 111344097

BLK: 111344098

BLK: 111344099

BLK: 111344100

BLK: 111344101

BLK: 111344102

BLK: 111344103

BLK: 111344104

BLK: 111344105

BLK: 111344106

BLK: 111344107

BLK: 111344108

BLK: 111344109

BLK: 111344110

BLK: 111344111

BLK: 111344112

VTD: 18376 207 (part)

BLK: 111441022

BLK: 111441102

BLK: 111441103

BLK: 111441104

BLK: 111441105

BLK: 111441106

BLK: 111441137

VTD: 18377 208

VTD: 18379 210 (part)

BLK: 119021073

BLK: 119021075

BLK: 119021076

BLK: 119021077

BLK: 119021078

BLK: 119021079

BLK: 119021080

BLK: 119021081

BLK: 119021082

VTD: 1838 105

VTD: 18381 211

VTD: 18382 212

VTD: 18384 21

VTD: 18385 22

VTD: 18386 220 (part)

BLK: 111031999

BLK: 111321011

VTD: 18387 221 (part)

BLK: 111243066

VTD: 1839 106

VTD: 18393 228

VTD: 18395 23

VTD: 18396 230 (part)

BLK: 111221000

BLK: 111221001

BLK: 111221002

BLK: 111221003

BLK: 111221004

BLK: 111221005

BLK: 111221006

BLK: 111221007

BLK: 111221008

BLK: 111221009

BLK: 111221010

BLK: 111221011

BLK: 111221012

BLK: 111221013

BLK: 111221014

BLK: 111221015

BLK: 111221016

BLK: 111221017

BLK: 111221018

BLK: 111221019

BLK: 111221020

VTD: 18398 24

VTD: 18399 25

St. Louis County (part)

VTD: 189102 Concord11&12&16&57 (part)

BLK: 213012013

VTD: 189103 Concord13&28

VTD: 189108 Concord21&30&51 (part)

BLK: 213012008

VTD: 189110 Concord24&32&46&48&49

VTD: 189111 Concord25

VTD: 189115 Concord31

VTD: 189119 Concord42&45

VTD: 189120 Concord43

VTD: 189126 CreveCoeur1

VTD: 189131 CreveCoeur2&9&10

VTD: 189149 CreveCoeur49

VTD: 189212 Gravios2

VTD: 189217 Gravios26

VTD: 189220 Gravios3&7&8

VTD: 189226 Gravios41

VTD: 189228 Gravios5 (part)

BLK: 208033012

BLK: 208033013

BLK: 208033014

BLK: 208033015

VTD: 189231 Gravios^{9&45&46}

VTD: 189232 Gravois^{9&45&46}

VTD: 189241 Hadley^{25&27} (part)

BLK: 167004010

VTD: 189274 Jefferson^{1&3}

VTD: 189282 Jefferson²

VTD: 189289 Jefferson^{32&33&35}

VTD: 18929 Bonhomme¹

VTD: 189290 Jefferson^{34&36}

VTD: 189291 Jefferson^{37&38&39&40}

VTD: 189292 Jefferson^{4&5}

VTD: 18930 Bonhomme¹⁰

VTD: 189302 Lafayette^{1&3}

VTD: 189303 Lafayette^{14&28}

VTD: 189304 Lafayette^{15&16&17}

VTD: 189305 Lafayette^{18&19&20&21&51}

VTD: 189306 Lafayette^{2&53}

VTD: 189307 Lafayette^{22&23&50}

VTD: 189308 Lafayette^{24&48&49}

VTD: 189309 Lafayette^{25&26&36&37}

VTD: 18931 Bonhomme^{11&26&44&49}

VTD: 189310 Lafayette²⁷

VTD: 189311 Lafayette²⁹

VTD: 189312 Lafayette³²

VTD: 189313 Lafayette³³

VTD: 189314 Lafayette^{34&35&40&44}

VTD: 189315 Lafayette38

VTD: 189316 Lafayette39

VTD: 189317 Lafayette4&52

VTD: 189318 Lafayette41&42&47

VTD: 189319 Lafayette43

VTD: 18932 Bonhomme12

VTD: 189320 Lafayette45

VTD: 189321 Lafayette46

VTD: 189322 Lafayette5

VTD: 189323 Lafayette6

VTD: 189324 Lafayette7&13

VTD: 189325 Lafayette8&9&10&11&12

VTD: 18933 Bonhomme13

VTD: 189333 Lemay17&24&29&32&46 (part)

BLK: 213011002

BLK: 213011003

BLK: 213011014

BLK: 213011015

BLK: 213011016

BLK: 213011018

VTD: 18934 Bonhomme14&15&28&29

VTD: 18935 Bonhomme16&37&38&39

VTD: 18936 Bonhomme17&18&21

VTD: 189364 MarylandHeights1&4&5

VTD: 189367 MarylandHeights12&16&22

VTD: 189369 MarylandHeights15

VTD: 18937 Bonhomme2

VTD: 189371 MarylandHeights18&36& 37&42

VTD: 189372 MarylandHeights19&33

VTD: 189373 MarylandHeights2&24& 26CHE59

VTD: 189374 MarylandHeights20

VTD: 189375 MarylandHeights27CHE47

VTD: 189376 MarylandHeights3MR79

VTD: 189377 MarylandHeights30&34

VTD: 189378 MarylandHeights31&32& 41&43 (part)

BLK: 151422000

BLK: 151422001

BLK: 151422002

BLK: 151422003

BLK: 151422004

BLK: 151422005

BLK: 151422006

BLK: 151422007

BLK: 151422010

BLK: 151422011

BLK: 151422012

BLK: 151422013

BLK: 151422014

BLK: 151422015

BLK: 151422016

BLK: 151423000

BLK: 151423012

BLK: 151423013

BLK: 151423014

BLK: 151423015

VTD: 189379 MarylandHeights35MR17& 75&78

VTD: 18938 Bonhomme23&47

VTD: 189380 MarylandHeights6

VTD: 189381 MarylandHeights7&39MR52

VTD: 189383 MarylandHeights9

VTD: 189384 Meramec1&2&40

VTD: 189385 Meramec11&25&66

VTD: 189386 Meramec12&44&70

VTD: 189387 Meramec13&22&24&68&72

VTD: 189388 Meramec15

VTD: 189389 Meramec17

VTD: 18939 Bonhomme24

VTD: 189390 Meramec18&19&20

VTD: 189391 Meramec21&57&69

VTD: 189392 Meramec23

VTD: 189393 Meramec27&28&39&52& 53&55CHE40&43&44&62

VTD: 189394 Meramec29&45&48&50&58 &60

VTD: 189395 Meramec3&14&26&30&32

VTD: 189396 Meramec37&63

VTD: 189397 Meramec4&34&46&47

VTD: 189398 Meramec42

VTD: 189399 Meramec43&49&62&54

VTD: 18940 Bonhomme25&34

VTD: 189400 Meramec51

VTD: 189402 Meramec56&67

VTD: 189403 Meramec6&41

VTD: 189404 Meramec61&71

VTD: 189405 Meramec64

VTD: 189406 Meramec65

VTD: 189407 Meramec7&10&33

VTD: 189408 Meramec8&31&59CHE45

VTD: 189409 Meramec9&16&35

VTD: 18941 Bonhomme27

VTD: 18942 Bonhomme3&36&42&43&46

VTD: 18943 Bonhomme31&32

VTD: 189436 MissouriRiver1&2

VTD: 189437 MissouriRiver10&12

VTD: 189438 MissouriRiver16&47

VTD: 189439 MissouriRiver22&37&40&42

VTD: 18944 Bonhomme33

VTD: 189440 MissouriRiver23&34

VTD: 189441 MissouriRiver25&31&44& 45&61

VTD: 189442 MissouriRiver26&55&60

VTD: 189443 MissouriRiver3&67

VTD: 189444 MissouriRiver30

VTD: 189445 MissouriRiver35&50

VTD: 189446 MissouriRiver36&46&69

VTD: 189447 MissouriRiver38

VTD: 189448 MissouriRiver4&13&14& 18&28&32&80BON30

VTD: 189449 MissouriRiver41&48&57&62

VTD: 18945 Bonhomme4&48

VTD: 189450 MissouriRiver49&51&54

VTD: 189451 MissouriRiver5&8&39&56& 58&65&70&71

VTD: 189452 MissouriRiver53&64

VTD: 189453 MissouriRiver59&63&66& 74&82

VTD: 189454 MissouriRiver6&27&33

VTD: 189455 MissouriRiver68&72

VTD: 189456 MissouriRiver7&11&19& 20&21

VTD: 189457 MissouriRiver73&76&77

VTD: 189458 MissouriRiver81

VTD: 189459 MissouriRiver9&15&24& 29&43

VTD: 18946 Bonhomme40

VTD: 18947 Bonhomme5

VTD: 18948 Bonhomme6&19&20&45

VTD: 18949 Bonhomme7

VTD: 189495 Northwest13

VTD: 18950 Bonhomme8&22

VTD: 189502 Northwest21&35&58

VTD: 18951 Bonhomme9

VTD: 18952 Chesterfield1&7&14&28& 61&64

VTD: 18953 Chesterfield10

VTD: 18954 Chesterfield31&12&52&73 LAF31

VTD: 18955 Chesterfield13&26&27&63

VTD: 189558 Queeny1&24

VTD: 189559 Queeny10&11&19&32&36& 39&42&46&50

VTD: 18956 Chesterfield15&16&22

VTD: 189560 Queeny12&17&40

VTD: 189561 Queeny15&45

VTD: 189562 Queeny2&3&22

VTD: 189563 Queeny21

VTD: 189564 Queeny23

VTD: 189565 Queeny25&28&35&38&51& 52&53

VTD: 189566 Queeny26&27

VTD: 189567 Queeny29

VTD: 189568 Queeny30&56

VTD: 189569 Queeny31

VTD: 18957 Chesterfield17&51

VTD: 189570 Queeny33&43&48&54

VTD: 189571 Queeny34&47&57

VTD: 189572 Queeny37&55

VTD: 189573 Queeny4&5&6

VTD: 189574 Queeny41

VTD: 189575 Queeny44

VTD: 189576 Queeny58

VTD: 189577 Queeny7

VTD: 189578 Queeny8&13&14&16&18& 49

VTD: 189579 Queeny9&20

VTD: 18958 Chesterfield18

VTD: 18959 Chesterfield2&32

VTD: 18960 Chesterfield21&24&75

VTD: 18961 Chesterfield23&54&55&56

VTD: 189617 TessonFerry1&2&5BON 35&41

VTD: 189618 TessonFerry12&15

VTD: 189619 TessonFerry17&18 (part)

BLK: 212023025

BLK: 212023026

BLK: 213021000

BLK: 213021001

BLK: 213021002

BLK: 213021003

BLK: 213021004

BLK: 213021005

BLK: 213021006

BLK: 213021007

BLK: 213021008

BLK: 213021009

BLK: 213021010

BLK: 213021011

BLK: 213021012

BLK: 213021013

BLK: 213021014

BLK: 213021015

BLK: 213021016

BLK: 213021017

BLK: 213021018

BLK: 213021019

BLK: 213021020

BLK: 213021021

BLK: 213022010

BLK: 213022011

BLK: 213022012

BLK: 213022013

BLK: 213311000

BLK: 213311001

BLK: 213311002

BLK: 213311003

VTD: 18962 Chesterfield3&11

VTD: 189620 TessonFerry19 (part)

BLK: 213013000

BLK: 213013001

BLK: 213013002

BLK: 213013003

BLK: 213013004

BLK: 213013005

BLK: 213013006

BLK: 213013007

BLK: 213013008

BLK: 213013009

BLK: 213013010

BLK: 213013011

BLK: 213013012

BLK: 213013013

BLK: 213013014

BLK: 213013015

BLK: 213013016

BLK: 213013018

BLK: 213013019

BLK: 213013020

BLK: 213013021

BLK: 213013022

BLK: 213013023

BLK: 213014001

BLK: 213014002

BLK: 213014003

BLK: 213014004

BLK: 213014005

BLK: 213014006

BLK: 213014007

BLK: 213014008

BLK: 213014009

BLK: 213014010

BLK: 213014012

BLK: 213014013

VTD: 189622 TessonFerry21

VTD: 189623 TessonFerry22&23

VTD: 189625 TessonFerry25&27&28 (part)

BLK: 213014014

BLK: 213014015

BLK: 213022000

BLK: 213022001

BLK: 213022002

BLK: 213022003

BLK: 213022004

BLK: 213023000

BLK: 213024000

BLK: 213024001

BLK: 213024002

BLK: 213024003

BLK: 213024004

BLK: 213024005

BLK: 213024006

BLK: 213024007

BLK: 213024008

BLK: 213024009

BLK: 213024010

VTD: 189626 TessonFerry3&4&42

VTD: 18963 Chesterfield34&35&36&37& 49&50&57&76&77

VTD: 189635 TessonFerry6

VTD: 189636 TessonFerry7&9&10&11

VTD: 189637 TessonFerry8&13&14&16

VTD: 18964 Chesterfield38&68&78

VTD: 18965 Chesterfield39&42&46

VTD: 18966 Chesterfield4&9&33

VTD: 18967 Chesterfield41&48&71

VTD: 18968 Chesterfield5&6&19&20&25& 29&53

VTD: 18969 Chesterfield58&60&66&67& 69MER5

VTD: 18970 Chesterfield65MER36&38

VTD: 18971 Chesterfield70

VTD: 18972 Chesterfield72&74LAF30

VTD: 18973 Chesterfield8&30

VTD: 18976 Clayton12

VTD: 18977 Clayton13&14&47

VTD: 18978 Clayton15&16

VTD: 18979 Clayton18&34&36&40&55

VTD: 18980 Clayton19&20&27

VTD: 18984 Clayton24&26&37

VTD: 18985 Clayton25&45

VTD: 18986 Clayton28&38&39

VTD: 18987 Clayton29&41&42

VTD: 18989 Clayton30&31

VTD: 18990 Clayton32&35

VTD: 18997 Clayton7"; and

Further amend said bill, Pages 37 to 46, Section 128.410, Lines 2 to 337, by striking said lines and inserting in lieu thereof the following:

"Jefferson County

St. Louis County (part)

VTD: 189100 Concord1&33

VTD: 189101 Concord10&22

VTD: 189102 Concord11&12&16&57 (part)

BLK: 206011015

BLK: 206011016

BLK: 206011017

BLK: 206011018

BLK: 206011019

BLK: 206011020

BLK: 206011021

BLK: 206011022

BLK: 206011023

BLK: 206011024

BLK: 206011032

BLK: 206011033

BLK: 206011034

BLK: 206011035

BLK: 206012000

BLK: 206012001

BLK: 206012002

BLK: 206012003

BLK: 206012004

BLK: 206012005

BLK: 206012006

BLK: 206012007

BLK: 206012008

BLK: 206012024

BLK: 206012025

BLK: 206012026

BLK: 206012034

BLK: 206012035

BLK: 206012036

BLK: 206012037

BLK: 206012038

BLK: 206012039

BLK: 206012040

BLK: 206012041

BLK: 206012042

BLK: 206013019

BLK: 206013020

BLK: 206013025

BLK: 206013026

BLK: 206013027

BLK: 206013031

BLK: 206013032

VTD: 189104 Concord14

VTD: 189105 Concord18&56

VTD: 189106 Concord2&34

VTD: 189107 Concord20&55LEM18

VTD: 189108 Concord21&30&51 (part)

BLK: 206012011

BLK: 206012012

BLK: 206012013

BLK: 206012014

BLK: 206012015

BLK: 206012016

BLK: 206012017

BLK: 206012018

BLK: 206012019

BLK: 206012020

BLK: 206012029

BLK: 206012030

BLK: 206012031

BLK: 206012032

BLK: 206012033

BLK: 206013021

BLK: 206013022

BLK: 206013028

BLK: 206013029

BLK: 206013030

BLK: 207023000

BLK: 207023001

BLK: 207023002

BLK: 207023004

BLK: 207023005

BLK: 207023006

BLK: 207023007

BLK: 207023008

BLK: 207023009

VTD: 189109 Concord23&29

VTD: 189112 Concord26&37

VTD: 189113 Concord19&38

VTD: 189114 Concord3&5&15&27&40& 53

VTD: 189116 Concord35&36

VTD: 189117 Concord39

VTD: 189118 Concord4&6

VTD: 189121 Concord44

VTD: 189122 Concord47

VTD: 189123 Concord50

VTD: 189124 Concord7&41&54

VTD: 189125 Concord8&9&52

VTD: 189203 Gravios1&28&56

VTD: 189204 Gravios10&17

VTD: 189205 Gravios11&57

VTD: 189206 Gravios13

VTD: 189207 Gravios14&50

VTD: 189208 Gravios15&30

VTD: 189209 Gravios16&23&31

VTD: 189210 Gravois18&34&37&51

VTD: 189211 Gravios19&58

VTD: 189213 Gravios20&38

VTD: 189214 Gravios21&22&39

VTD: 189215 Gravios24

VTD: 189216 Gravios12&25

VTD: 189218 Gravios27&52&55

VTD: 189219 Gravios29&32&47&48

VTD: 189221 Gravios33&42

VTD: 189222 Gravios35

VTD: 189223 Gravios36&59

VTD: 189224 Gravios4

VTD: 189225 Gravios40

VTD: 189227 Gravios43&44&49

VTD: 189228 Gravios5 (part)

BLK: 208031016

BLK: 208031018

BLK: 208032006

BLK: 208032007

BLK: 208032008

BLK: 208032009

BLK: 208032010

BLK: 208032011

BLK: 208032012

BLK: 208032013

BLK: 208032014

BLK: 208032015

BLK: 208032016

VTD: 189229 Gravios53&60

VTD: 189230 Gravios6&54

VTD: 189233 Hadley1&2

VTD: 189234 Hadley10&11

VTD: 189235 Hadley12&17&18

VTD: 189236 Hadley13

VTD: 189237 Hadley14

VTD: 189238 Hadley15&16

VTD: 189239 Hadley19&31

VTD: 189240 Hadley20&22&23

VTD: 189241 Hadley25&27 (part)

BLK: 167003002

BLK: 167003003

BLK: 167003004

BLK: 167003005

BLK: 167003006

BLK: 167003007

BLK: 167003008

BLK: 167003009

BLK: 167004002

BLK: 167004003

BLK: 167004004

BLK: 167004005

BLK: 167004007

BLK: 167004008

BLK: 167004009

BLK: 167004011

BLK: 167004012

BLK: 167004013

BLK: 167004014

BLK: 167004015

BLK: 167004016

BLK: 167004017

BLK: 167004018

VTD: 189242 Hadley28&29

VTD: 189243 Hadley3

VTD: 189244 Hadley30CLA2

VTD: 189245 Hadley32

VTD: 189246 Hadley33

VTD: 189247 Hadley34

VTD: 189248 Hadley35

VTD: 189249 Hadley4&21&24&26

VTD: 189250 Hadley5

VTD: 189253 Hadley9

VTD: 189275 Jefferson10

VTD: 189276 Jefferson11

VTD: 189277 Jefferson12&15

VTD: 189278 Jefferson13&20

VTD: 189279 Jefferson14&19

VTD: 189280 Jefferson16&49&50

VTD: 189281 Jefferson18&24

VTD: 189283 Jefferson21&29

VTD: 189284 Jefferson22&25&26

VTD: 189285 Jefferson23&47

VTD: 189286 Jefferson27&28

VTD: 189287 Jefferson30&42&51

VTD: 189288 Jefferson31&44

VTD: 189293 Jefferson41

VTD: 189294 Jefferson43

VTD: 189295 Jefferson45&46

VTD: 189296 Jefferson48

VTD: 189297 Jefferson52

VTD: 189298 Jefferson6

VTD: 189299 Jefferson7&17

VTD: 189300 Jefferson8

VTD: 189301 Jefferson9

VTD: 189326 Lemay1&5

VTD: 189327 Lemay10

VTD: 189328 Lemay11&16&20&38&43

VTD: 189329 Lemay12

VTD: 189330 Lemay13

VTD: 189331 Lemay14CON17

VTD: 189332 Lemay15

VTD: 189333 Lemay17&24&29&32&46 (part)

BLK: 206021006

BLK: 206021007

BLK: 206021008

BLK: 206021009

BLK: 206021010

BLK: 206021011

BLK: 206021012

BLK: 206023000

BLK: 206023001

BLK: 206023002

BLK: 206023003

BLK: 206023004

BLK: 206023005

BLK: 206023006

BLK: 206023007

BLK: 206023008

BLK: 206023009

BLK: 206023010

BLK: 206023011

BLK: 213011001

VTD: 189334 Lemay19

VTD: 189335 Lemay2&3&34

VTD: 189336 Lemay21&42&44&37

VTD: 189337 Lemay22&40

VTD: 189338 Lemay23&31

VTD: 189339 Lemay25&26&27&28

VTD: 189340 Lemay30&36

VTD: 189341 Lemay33&35

VTD: 189343 Lemay39&45

VTD: 189344 Lemay4&6&8&41

VTD: 189345 Lemay7

VTD: 189346 Lemay9

VTD: 189540 Oakville1

VTD: 189541 Oakville10

VTD: 189542 Oakville11&22

VTD: 189543 Oakville12

VTD: 189544 Oakville15&28

VTD: 189545 Oakville17&20&27

VTD: 189546 Oakville18&25

VTD: 189547 Oakville19

VTD: 189548 Oakville2

VTD: 189549 Oakville21&26

VTD: 189550 Oakville3&16&23&30

VTD: 189551 Oakville31

VTD: 189552 Oakville4&14

VTD: 189553 Oakville5

VTD: 189554 Oakville6

VTD: 189555 Oakville7&13&32

VTD: 189556 Oakville8TSF40

VTD: 189557 Oakville9&24&29

VTD: 189619 TessonFerry17&18 (part)

BLK: 213311004

VTD: 189620 TessonFerry19 (part)

BLK: 213014011

VTD: 189621 TessonFerry20&26

VTD: 189624 TessonFerry24&29

VTD: 189625 TessonFerry25&27&28 (part)

BLK: 213313000

BLK: 213313001

BLK: 213314000

BLK: 213314001

BLK: 213314002

BLK: 213314003

BLK: 213314004

BLK: 213314005

BLK: 213314006

VTD: 189627 TessonFerry30&31

VTD: 189628 TessonFerry32&39

VTD: 189629 TessonFerry33

VTD: 189630 TessonFerry34

VTD: 189631 TessonFerry35

VTD: 189632 TessonFerry36

VTD: 189633 TessonFerry37&38

VTD: 189634 TessonFerry41

VTD: 18974 Clayton1&6

VTD: 18975 Clayton11

VTD: 18981 Clayton21&52

VTD: 18982 Clayton22&54

VTD: 18983 Clayton23&33

VTD: 18988 Clayton3&10

VTD: 18991 Clayton4

VTD: 18992 Clayton43&46&48&49

VTD: 18993 Clayton50

VTD: 18994 Clayton51

VTD: 18995 Clayton53

VTD: 18998 Clayton8&44

VTD: 18999 Clayton9&17

St. Louis City (part)

VTD: 510100 Ward16Pct18

VTD: 510101 Ward16Pct2

VTD: 510102 Ward16Pct3

VTD: 510103 Ward16Pct4

VTD: 510104 Ward16Pct5

VTD: 510105 Ward16Pct6

VTD: 510106 Ward16Pct7

VTD: 510107 Ward16Pct8

VTD: 510108 Ward16Pct9

VTD: 510111 Ward17Pct11

VTD: 510112 Ward17Pct12

VTD: 510116 Ward17Pct16

VTD: 51015 Ward10Pct1

VTD: 51016 Ward10Pct10

VTD: 51017 Ward10Pct11

VTD: 51018 Ward10Pct2

VTD: 51019 Ward10Pct3

VTD: 51020 Ward10Pct4

VTD: 510200 Ward23Pct1

VTD: 510201 Ward23Pct10

VTD: 510202 Ward23Pct11

VTD: 510203 Ward23Pct12

VTD: 510204 Ward23Pct13

VTD: 510205 Ward23Pct14

VTD: 510206 Ward23Pct15

VTD: 510207 Ward23Pct16

VTD: 510208 Ward23Pct2

VTD: 510209 Ward23Pct3

VTD: 51021 Ward10Pct5

VTD: 510210 Ward23Pct4

VTD: 510211 Ward23Pct5

VTD: 510212 Ward23Pct6

VTD: 510213 Ward23Pct7

VTD: 510214 Ward23Pct8

VTD: 510215 Ward23Pct9

VTD: 510216 Ward24Pct1

VTD: 510217 Ward24Pct10

VTD: 510218 Ward24Pct11

VTD: 510219 Ward24Pct12

VTD: 51022 Ward10Pct6

VTD: 510220 Ward24Pct13

VTD: 510221 Ward24Pct14

VTD: 510222 Ward24Pct15

VTD: 510223 Ward24Pct2

VTD: 510224 Ward24Pct3

VTD: 510225 Ward24Pct4

VTD: 510226 Ward24Pct5

VTD: 510227 Ward24Pct6

VTD: 510228 Ward24Pct7

VTD: 510229 Ward24Pct8

VTD: 51023 Ward10Pct7

VTD: 510230 Ward24Pct9

VTD: 510231 Ward25Pct1

VTD: 510232 Ward25Pct10

VTD: 510233 Ward25Pct11

VTD: 510234 Ward25Pct12

VTD: 510235 Ward25Pct13

VTD: 510236 Ward25Pct14

VTD: 510237 Ward25Pct15

VTD: 510238 Ward25Pct2

VTD: 510239 Ward25Pct3

VTD: 51024 Ward10Pct8

VTD: 510240 Ward25Pct4

VTD: 510241 Ward25Pct5

VTD: 510242 Ward25Pct6

VTD: 510243 Ward25Pct7

VTD: 510244 Ward25Pct8

VTD: 510245 Ward25Pct9

VTD: 51025 Ward10Pct9

VTD: 51026 Ward11Pct1

VTD: 51027 Ward11Pct10

VTD: 510270 Ward28Pct1

VTD: 510277 Ward28Pct2

VTD: 51028 Ward11Pct11

VTD: 51029 Ward11Pct12

VTD: 51030 Ward11Pct2

VTD: 51031 Ward11Pct3

VTD: 510319 Ward6Pct1

VTD: 51032 Ward11Pct4

VTD: 510322 Ward6Pct2

VTD: 51033 Ward11Pct5

VTD: 510330 Ward7Pct1

VTD: 510332 Ward7Pct11 (part)

BLK: 231005000

BLK: 231005001

BLK: 231005002

BLK: 231005003

BLK: 231005004

BLK: 231005005

VTD: 510333 Ward7Pct12

VTD: 510334 Ward7Pct13

VTD: 510336 Ward7Pct2

VTD: 510338 Ward7Pct4

VTD: 510339 Ward7Pct5

VTD: 51034 Ward11Pct6

VTD: 510340 Ward7Pct6

VTD: 510343 Ward7Pct9

VTD: 510344 Ward8Pct1

VTD: 510345 Ward8Pct10

VTD: 510346 Ward8Pct11

VTD: 510348 Ward8Pct13 (part)

BLK: 172007001

VTD: 51035 Ward11Pct7

VTD: 510352 Ward8Pct2

VTD: 510353 Ward8Pct3

VTD: 510354 Ward8Pct4

VTD: 510355 Ward8Pct5

VTD: 510356 Ward8Pct6

VTD: 510357 Ward8Pct7 (part)

BLK: 173002009

VTD: 510358 Ward8Pct8

VTD: 510359 Ward8Pct9

VTD: 51036 Ward11Pct8

VTD: 510360 Ward9Pct1

VTD: 510361 Ward9Pct10

VTD: 510362 Ward9Pct2

VTD: 510363 Ward9Pct3

VTD: 510364 Ward9Pct4

VTD: 510365 Ward9Pct5

VTD: 510366 Ward9Pct6

VTD: 510367 Ward9Pct7

VTD: 510368 Ward9Pct8

VTD: 510369 Ward9Pct9

VTD: 51037 Ward11Pct9

VTD: 510373 Ward12Pct4

VTD: 510374 Ward12Pct7

VTD: 510375 Ward12Pct12

VTD: 51038 Ward12Pct1

VTD: 51039 Ward12Pct10

VTD: 51040 Ward12Pct11

VTD: 51041 Ward12Pct13

VTD: 51042 Ward12Pct14

VTD: 51043 Ward12Pct15

VTD: 51044 Ward12Pct16

VTD: 51045 Ward12Pct2

VTD: 51046 Ward12Pct3

VTD: 51047 Ward12Pct5

VTD: 51048 Ward12Pct6

VTD: 51049 Ward12Pct8

VTD: 51050 Ward12Pct9

VTD: 51051 Ward13Pct1

VTD: 51052 Ward13Pct10

VTD: 51053 Ward13Pct11

VTD: 51054 Ward13Pct12

VTD: 51055 Ward13Pct13

VTD: 51056 Ward13Pct14

VTD: 51057 Ward13Pct2

VTD: 51058 Ward13Pct3

VTD: 51059 Ward13Pct4

VTD: 51060 Ward13Pct5

VTD: 51061 Ward13Pct6

VTD: 51062 Ward13Pct7

VTD: 51063 Ward13Pct8

VTD: 51064 Ward13Pct9

VTD: 51065 Ward14Pct1

VTD: 51066 Ward14Pct10

VTD: 51067 Ward14Pct11

VTD: 51068 Ward14Pct12

VTD: 51069 Ward14Pct13

VTD: 51070 Ward14Pct14

VTD: 51071 Ward14Pct2

VTD: 51072 Ward14Pct3

VTD: 51073 Ward14Pct4

VTD: 51074 Ward14Pct5

VTD: 51075 Ward14Pct6

VTD: 51076 Ward14Pct7

VTD: 51077 Ward14Pct8

VTD: 51078 Ward14Pct9

VTD: 51079 Ward15Pct1

VTD: 51080 Ward15Pct10

VTD: 51081 Ward15Pct11

VTD: 51082 Ward15Pct12

VTD: 51083 Ward15Pct2

VTD: 51084 Ward15Pct3

VTD: 51085 Ward15Pct4

VTD: 51086 Ward15Pct5

VTD: 51087 Ward15Pct6

VTD: 51088 Ward15Pct7

VTD: 51089 Ward15Pct8

VTD: 51090 Ward15Pct9

VTD: 51091 Ward16Pct1

VTD: 51092 Ward16Pct10

VTD: 51093 Ward16Pct11

VTD: 51094 Ward16Pct12

VTD: 51095 Ward16Pct13

VTD: 51096 Ward16Pct14

VTD: 51097 Ward16Pct15

VTD: 51098 Ward16Pct16

VTD: 51099 Ward16Pct17

Ste. Genevieve County".

Senator Gibbons moved that the above amendment be adopted.

At the request of Senator Klindt, **HS** for **HCS** for **HB 1000**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 369**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto nine new sections relating to utility access to public rights-of-way.

With House Amendments Nos. 1, 2, 5, House Substitute Amendment No. 1 for House Amend-ment No. 7 and House Amendment No. 8.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 20, Section 67.1846, Line 20, by striking the word "**grandfather**" and inserting in lieu

thereof the word "**grandfathered**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 21, Section 67.1846, Line 4, by adding after the words "**franchise tax**" the following:

"or franchise fee".

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 5, Section 67.1830, Line 17, by inserting after the word "**noncompliance**", before the comma, the following: "**within the political subdivision as defined by the political subdivision**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 6, Section 67.1830, Line 17, by adding after said line the following:

"(i) Establish street degradation fees to cover the reduction in the useful life of the right-of-way caused by each excavation if such fees are paid by all excavators of the right of way including the political subdivision and are dedicated to street replacement but any degradation fee must be in effect by May 1, 2001."

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 17, Section 67.1842, Lines 21-24, by deleting all of said lines; and

Further amend Page 18, Section 67.1842, Lines 1 and 2, by deleting all of said lines; and

Further amend intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 34**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 34, appearing on Page 1233 of the Senate Journal for Thursday, May 10, 2001, Column 2, Line 36 of said column, by inserting after "Senate," the following: "three of whom shall be members of the majority party and two of whom shall be members of the minority party,"; and further amend line 38 of said

column, by inserting after "Representatives," the following: "three of whom shall be members of the majority party and two of whom shall be members of the minority party,".

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 33**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **HB 120**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on State Budget Control, to which was referred **HB 501**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **HS** for **HCS** for **HB 1000**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Rohrbach assumed the Chair.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
Absent--Senators			
Bentley	Schneider--2		
Absent with leave--Senator Carter--1			

SA 1 was again taken up.

A quorum was established by the following vote:

Present--Senators			
Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Gross	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--24
Absent--Senators			
Bentley	Bland	DePasco	Goode
House	Quick	Schneider	Sims
Staples--9			
Absent with leave--Senator Carter--1			

SA 1 was again taken up.

A quorum was established by the following vote:

Present--Senators			
Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
Absent--Senators			
Bentley	Bland	DePasco	Jacob
Mathewson	Quick	Staples--7	
Absent with leave--Senator Carter--1			

SA 1 was again taken up.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	
Absent--Senators			
Dougherty	Goode	Quick	Russell
Schneider	Staples--6		
Absent with leave--Senator Carter--1			

Senator Kinder requested unanimous consent of the Senate to consider the West Gallery as part of the Senate Chamber for the purpose of establishing a quorum, which request was denied.

Senator Gross assumed the Chair.

At the request of Senator Klindt, **HS** for **HCS** for **HB 1000**, with **SCS** and **SA 1** (pending), was placed on the Informal

Calendar.

On motion of Senator Kenney, the Senate recessed for 15 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

President Maxwell assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 556**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 500**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCA 1, SA 1** to **HB 621** and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 460**, as amended, and grants the Senate a conference thereon.

The Speaker of the House has appointed the following committee to act with a like committee from the Senate. Representatives: Hegeman, Dolan, Smith, Kennedy and Hosmer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 72**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 453**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SB 72**, as amended. Representatives: Smith, Scheve, Foley, Richardson and Dempsey.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 236** as amended and ask the Senate to take up and pass **HS** for **HCS** for **SCS** for **SB 236** as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 266**, entitled:

An Act to repeal sections 199.170, 199.180 and 199.200, RSMo 2000, and to enact in lieu thereof eight new sections relating to the department of health, with an effective date for a certain section.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 4, Section 191.714, Lines 2 to 11, by deleting all of said lines and inserting in lieu thereof the following:

"5. An evaluation committee established pursuant to this section shall consist of at least five members but no more than ten members. At least half of the members of the committee shall be frontline health care workers at such facility from a variety of occupational classifications and departments, including but not limited to nurses, nurse aides, technicians, phlebotomists and physicians, who shall be selected by the facility to advise the employer on the implementation of the requirements of this section. In facilities where there are one or more representatives certified by the state board of mediation to represent frontline healthcare workers at such facility, the facility shall consult with such representatives as to the composition and membership of the committee. All members of the committee shall be trained in the proper method of utilizing product evaluation criteria prior to the commencement of any product evaluation. Committee members shall serve two-year terms, with the initial terms beginning thirty days after the formation of such committee and the subsequent terms beginning every two years thereafter. Vacancies on the committee shall be filled for the remainder of the term by the facility in the same manner as was used to appoint the vacating member. Members may serve consecutive terms. Members shall not be given additional compensation for their duties on such committee."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Pages 8-13, Section 191.940, by deleting all of said section and inserting in lieu thereof the following:

"191.940. 1. For the purposes of this section the following terms mean:

- (1) "Disclose", to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information, except that disclosure shall not include any information divulged directly to the individual to whom such information pertains;**
- (2) "Federal Privacy Rules", the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164;**
- (3) "Health Information", any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to:**
 - (a) The past, present or future physical, mental or behavioral health or condition of an individual;**
 - (b) The provision of health care to an individual; or**

(c) Payment for the provision of health care to an individual;

(4) "Licensee", all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold, a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;

(5) "Nonpublic personal health information", health information:

(a) That identifies an individual who is the subject of the information; or

(b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;

(6) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, a governmental agency or any other entity.

2. Any person who, in the ordinary course of business, practice of a profession or rendering of a service, creates, stores, receives or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior, written authorization of the person to whom such information pertains or such person's authorized representative, if:

(1) The nonpublic personal health information is disclosed in exchange for consideration to an affiliate or other third party; or

(2) The purpose of the disclosure is:

(a) For the marketing of services or goods for personal, family or household purposes;

(b) To facilitate an employer's employment-related decisions, including, but not limited to, hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;

(c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family or household purposes; or

(d) Unrelated to the business, practice or service offered by the disclosing person or entity.

(3) Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be assessed an administrative penalty of not more than five hundred dollars for each violation of this section. An administrative penalty under this section may be assessed by a state agency responsible for regulating the person or by the attorney general.

5. In addition to the penalties provided in subsection 4 of this section, any person that violates this section shall be subject to civil action for damages or equitable relief.

6. To the extent a person other than a licensee is subject to and complies with all requirements of the federal privacy rules, such person shall be deemed to be in compliance with this section. Until April 14, 2003, a person other than a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall be deemed to be in compliance with this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

8. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information Regulation", the licensee shall be deemed to be in compliance with this section.

9. Notwithstanding the provisions of subsections 5, 6 and 7 of this section, no person or licensee may disclose nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

10. The provisions of this act do not apply to information from or to consumer reporting agencies as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Sec. 1681 et seq., or debt collectors as defined by the federal Fair Debt Collection Practices Act, 15 U.S.C. Sec. 1692 et seq. to the extent these entities are engaged in activities regulated by these federal acts.

11. The provisions of this act do not apply to information disclosed in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, including but not limited to the sale of a portfolio of loans, if the disclosure of nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information is not the primary reason for the sale, merger, transfer or exchange.

12. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including, without limitation, treating violations of this section by licensees as unfair practices pursuant to sections 375.930 to 375.948, RSMo.

13. There shall be established a "Commission on Health Information Privacy" to study the issue of the protection of the privacy of nonpublic personal health information. By January 1, 2003, the commission shall make a recommendation to the general assembly of what additional legislative measures should be enacted to protect the privacy of nonpublic health information, after which the commission shall expire.

(1) The members of the commission shall be named by the governor and shall be citizens and residents of the state. The commission shall consist of fifteen individuals: one representative from the health insurance industry; one representative from the life insurance industry; one representative from the property and casualty insurance industry; three representatives from consumer advocacy organizations; three representatives from health care provider organizations; one representative from the department of health; one representative from the department of insurance; and four at-large representatives with demonstrated interest or expertise in health information privacy issues.

(2) Members shall receive no remuneration for their services but shall be reimbursed for actual and reasonable expenses incurred by them in the performance of their duties."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 23, Section 376.1199, Line 3, by inserting after all of said line the following:

"376.1290. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements, to the extent not preempted by federal law, and all managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state on

or after January 1, 2002, shall offer coverage for testing pregnant women for lead poisoning and for all testing for lead poisoning authorized by sections 701.340 to 701.349, RSMo, or by rule of the department of health promulgated pursuant to sections 701.340 to 701.349, RSMo.

2. Health care services required by this section shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan.

3. No entity enumerated in subsection 1 of this section shall reduce or eliminate coverage as a result of the requirements of this section.

4. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.

701.322. Upon request of a physician, health care facility or third-party insurer, the department may provide laboratory services for tests related to contagious or infectious diseases. The department may conduct laboratory testing of blood specimens for lead content on behalf of a physician, hospital, clinic, free clinic, municipality or private organization which cannot secure or provide such services through other sources. The department of health may charge a fee for laboratory services rendered [under] **pursuant to this section.** [Such] **Fees for tests related to contagious or infectious diseases** shall be deposited in a separate account in the Missouri public health services fund, created in section 192.900, RSMo, and funds in such account shall be used to provide laboratory testing services by the department.

Fees for laboratory testing of blood specimens for lead content shall be deposited in the childhood lead testing fund created in section 701.345, RSMo.

701.326. 1. The department of health shall establish and maintain a lead poisoning information reporting system which shall include a record of lead poisoning cases which occur in Missouri along with the information concerning these cases which is deemed necessary and appropriate to conduct comprehensive epidemiologic studies of lead poisoning in this state and to evaluate the appropriateness of lead abatement programs.

2. The director of the department of health shall promulgate rules and regulations specifying the level of lead poisoning which shall be reported and any accompanying information to be reported in each case. Such information may include the patient's name, **full residence address, and diagnosis, including the blood lead level. Such information may include** pathological findings, the stage of the disease, environmental and known occupational factors, method of treatment and other relevant data from medical histories. Reports of lead poisoning shall be filed with the director of the department of health within a period of time specified by the director. The department shall prescribe the form and manner in which the information shall be reported.

3. The attending health care professional of any patient with lead poisoning shall provide to the department of health the information required pursuant to this section.

4. When a case of lead poisoning is reported to the director, the director shall inform such local boards of health, public health agencies, and other persons and organizations as the director deems necessary; provided that, the name of any child contracting lead poisoning shall not be included unless the director determines that such inclusion is necessary to protect the health and well-being of the affected individual.

701.328. 1. The department of health shall protect the identity of the patient and physician involved in the reporting required by sections 701.318 to [701.330] **701.349.** Such identity shall not be revealed except that the identity of the patient shall be released only upon written consent of the patient. The identity of the physician shall be released only upon written consent of the physician.

2. The department may release without consent any information obtained pursuant to sections 701.318 to [701.330] **701.349,** including the identities of certain patients or physicians, when the information is necessary for the performance of duties by public employees within, or the legally designated agents of, any state or local agency, department or political subdivision, but only when such employees and agents need to know such information to

perform their public duties.

3. The department shall use or publish reports based upon materials reported pursuant to sections 701.318 to [701.330] **701.349** to advance research, education, treatment and lead abatement. **The department shall geographically index the data from lead testing reports to determine the location of areas of high incidence of lead poisoning.** The department shall provide qualified researchers with data from the reported information upon the researcher's compliance with appropriate conditions as provided by rule and upon payment of a fee to cover the cost of processing the data.

701.340. 1. Beginning January 1, 2002, the department of health shall, subject to appropriations, implement a childhood lead testing program which requires every child less than six years of age to be tested for lead poisoning in accordance with the provisions of sections 701.340 to 701.349. In coordination with the department of health, every health care facility serving children less than six years of age, including but not limited to hospitals and clinics licensed pursuant to chapter 197, RSMo, shall take appropriate steps to ensure that their patients receive such lead poisoning testing.

2. The test for lead poisoning shall consist of a blood sample that shall be sent for analysis to a laboratory licensed pursuant to the federal Clinical Lab Improvement Act (CLIA). The department of health shall, by rule, determine the blood test protocol to be used.

3. Nothing in sections 701.340 to 701.349 shall be construed to require a child to undergo lead testing whose parent or guardian objects to the testing in a written statement that states the parent's or guardian's reason for refusing such testing.

701.342. 1. The department of health shall, using factors established by the department, including but not limited to the geographic index from data from testing reports, identify geographic areas in the state that are at high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested annually for lead poisoning.

2. Every child six months through six years of age not residing or spending more than ten hours a week in geographic areas identified as high risk by the department shall be assessed annually using a questionnaire to determine whether such child is at high risk for lead poisoning. The department, in collaboration with the department of social services, shall develop the questionnaire, which shall follow the recommendations of the federal Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

3. Every child deemed to be at high risk for lead poisoning according to the questionnaire developed pursuant to subsection 2 of this section shall be tested using a blood sample.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations may be tested at least once every six months during the renovation and once after the completion of the renovation.

5. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of the test results of any child tested for lead poisoning as required in section 701.326. Any child who tests positive for lead poisoning shall receive follow-up testing in accordance with rules established by the department. The department shall, by rule, establish the methods and intervals of follow-up testing and treatment for such children.

6. When the department is notified of a case of lead poisoning, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead poisoned child.

701.343. The department of health shall have the following duties regarding the childhood lead testing program:

- (1) By January 1, 2002, the department shall develop an educational mailing to be sent to every physician licensed by and practicing in this state informing such physician of the childhood lead testing program and the responsibilities of physicians pursuant to such program;**
- (2) The department of health shall, by January 1, 2002, develop guidelines, educational materials and a questionnaire to be used by physicians to determine whether pregnant women are at high risk and should be tested for lead poisoning;**
- (3) The department shall apply for, take all steps necessary to qualify for and accept any federal funds made available or allotted pursuant to any federal act or program for state lead poisoning prevention programs;**
- (4) The director of the department of health or the director's designee may, subject to appropriations, contract with a public agency or a university, or collaborate with any agencies, individuals or groups to provide necessary services, develop educational programs, scientific research and organization, and interpret data from lead testing reports;**
- (5) The department shall promulgate such rules as may be necessary; and**
- (6) Beginning January 1, 2003, and every January first thereafter, the department of health shall submit a report evaluating the childhood lead testing program as set forth in sections 701.340 to 701.349 to the governor and the following committees of the Missouri legislature: senate appropriations committee, senate public health and welfare committee, house appropriations - health and mental health committee and house public health committee.**

701.344. 1. In geographic areas determined to be of high risk for lead poisoning as set forth in section 701.342, every child care facility, as defined in section 210.201, RSMo, and every child care facility affiliated with a school system, a business organization or a nonprofit organization shall, within thirty days of enrolling a child, require the child's parent or guardian to provide evidence of lead poisoning testing in the form of a statement from the health care professional that administered the test or provide a written statement that states the parent's or guardian's reason for refusing such testing. If there is no evidence of testing, the person in charge of the facility shall provide the parent or guardian with information about lead poisoning and locations in the area where the child can be tested. When a parent or guardian cannot obtain such testing, the person in charge of the facility may arrange for the child to be tested by a local health officer with the consent of the child's parent or guardian. At the beginning of each year of enrollment in such facility, the parent or guardian shall provide proof of testing in accordance with the provisions of sections 701.340 to 701.349 and any rules promulgated thereunder.

2. No child shall be denied access to education or child care because of failure to comply with the provisions of sections 701.340 to 701.349.

701.345. 1. There is hereby created in the state treasury the "Childhood Lead Testing Fund". The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources related to lead testing, education and screening. The general assembly may appropriate moneys to the fund for the support of the childhood lead testing program established in sections 701.340 to 701.349. The moneys in the fund shall be used to fund the administration of childhood lead programs, the administration of blood tests to uninsured children, educational materials and analysis of lead blood test reports and case management.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

701.346. The department of health shall promulgate rules to implement the provisions of sections 701.340 to

701.349. No rule or portion of a rule promulgated under the authority of sections 701.340 to 701.349 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

701.348. Nothing in sections 701.340 to 701.349 shall prohibit a political subdivision of this state or a local board of health from enacting and enforcing ordinances, rules or laws for the prevention, detection and control of lead poisoning which provide the same or more stringent provisions as sections 701.340 to 701.349, or the rules promulgated thereunder.

701.349. If any provisions of sections 701.340 to 701.349, or the application thereof, to any persons or circumstances is held invalid, such validity shall not affect other provisions or applications of sections 701.340 to 701.349 that can be given effect without the invalid provision or application, and to this end the provisions of sections 701.340 to 701.349 are declared to be severable."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 23, Section 376.1199, Line 3 of said page, by inserting after all of said line the following:

"632.080. 1. Any clinic, physician's office, mental hospital or facility administering electroconvulsive therapy, psychosurgery, prefrontal sonic sound treatment or any other convulsive or coma-producing therapy administered to treat mental illness or a physician administering the therapy on an outpatient basis shall submit to the department of health quarterly reports relating to the administration of the therapy in the clinic, office, hospital or facility or by the physician.

2. The report shall state for each quarter:

(1) The number of patients who received the therapy, including:

(a) The number of persons voluntarily receiving mental health services who consented to the therapy;

(b) The number of involuntary patients who consented to the therapy; and

(c) The number of involuntary patients for whom a guardian of such patient consented to the therapy;

(2) The age, sex and race of the person receiving the therapy;

(3) The source of the treatment payment;

(4) The average number of nonelectro-convulsive treatments;

(5) The average number of electroconvulsive treatments administered for each complete series of treatments, but not including maintenance treatments;

(6) The average number of maintenance electroconvulsive treatments administered per month;

(7) The number of fractures, reported memory losses, incidents of apnea and cardiac arrests without death;

(8) Autopsy findings if death occurred within fourteen days after the date of the administration of therapy; and

(9) Any other information required by the department.

3. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

632.082. The department of health shall use the information received pursuant to section 632.080 to analyze,

audit and monitor the use of electroconvulsive therapy, psychosurgery, prefrontal sonic sound treatment or any other convulsive or coma-producing therapy administered to treat mental illness.

632.084. 1. The change in law made by sections 632.080 to 632.084 applies only to an offense committed on or after August 28, 2001. For purposes of this section, an offense is committed before August 28, 2001, if any element of the offense occurs before such date.

2. An offense committed before August 28, 2001, is covered by the law in effect when the offense was committed and the former law is continued in effect for that purpose."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, by inserting at the appropriate location the following:

"191.975. 1. This section shall be known and may be cited as the "Adoption Awareness Law".

2. To raise public awareness and to educate the public, the department of social services, with the assistance of the department of health, shall be responsible for:

(1) Collecting and distributing resource materials to educate the public about foster care and adoption;

(2) Developing and distributing educational materials, including but not limited to videos, brochures and other media as part of a comprehensive public relations campaign about the positive option of adoption and foster care. The materials shall include, but not be limited to, information about:

(a) The benefits of adoption and foster care;

(b) Adoption and foster care procedures;

(c) Means of financing the cost of adoption and foster care, including but not limited to adoption subsidies, foster care payments and special needs adoption tax credits;

(d) Options for birth parents in choosing adoptive parents;

(e) Protection for and rights of birth parents and adoptive parents prior to and following the adoption;

(f) Location of adoption and foster care agencies;

(g) Information regarding various state health and social service programs for pregnant women and children, including but not limited to medical assistance programs and temporary assistance for needy families (TANF); and

(h) Referrals to appropriate counseling services, including but not be limited to counseling services for parents who are considering retaining custody of their children, placing their children for adoption, or becoming foster or adoptive parents; but excluding any referrals for abortion or to abortion facilities;

(3) Making such educational materials available through state and local public health clinics, public hospitals, family planning clinics, abortion facilities as defined in section 188.015, RSMo, maternity homes as defined in section 135.600, RSMo, child-placing agencies licensed pursuant to sections 210.481 to 210.536, RSMo, attorneys whose practice involves private adoptions, in vitro fertilization clinics and private physicians for distribution to their patients who request such educational materials. Such materials shall also be available to the public through the department of social services' Internet web site; and

(4) Establishing a toll-free telephone number for information on adoption and foster care.

3. The provisions of this section shall be subject to appropriations.

4. The department of social services shall promulgate rules for the implementation of this section in accordance with chapter 536, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, by inserting in the appropriate location the following:

"Section 4. If a health carrier as defined in section 376.1350 RSMo, or any subsidiary of such entity contracts with any licensed health care professional for any fee below the usual, customary and reasonable rate of reimbursement, such health insurance carrier as defined in section 376.1350 RSMo, or any subsidiary of such entity shall be prohibited from charging such health care professionals additional administrative or claim processing fees."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, by adding one new section in the appropriate location:

"196.367. Effective July 1, 2005, any manufacturer or distributor shall be exempted from the provisions of sections 196.365 to 196.445 if the manufacturer satisfies all applicable Food and Drug Administration regulations."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 13, Section 192.729, Line 24, by inserting after said line all of the following:

"198.531. 1. The division of aging, in collaboration with qualified Missouri schools and universities, shall establish an aging-in-place pilot program at a maximum of four selected sites throughout the state which will provide a continuum of care for elders who need long-term care. [One aging- in-place pilot program shall be at a thirty-five bed facility in a county of the first classification without a charter form of government with a population of at least ninety thousand but not more than one hundred thousand and a county of the first classification with a population of at least forty-two thousand but less than forty-five thousand and a county of the third classification without a township form of government with a population of at least sixteen thousand nine hundred but less than seventeen thousand.] For purposes of this section, "qualified Missouri schools and universities" means any Missouri school or university which has a school of nursing, a graduate nursing program, or any other similar program or specialized expertise in the areas of aging, long-term care or health services for the elderly.

2. The pilot program shall:

(1) Deliver a full range of physical and mental health services to residents in the least restrictive environment of choice to reduce the necessity of relocating such residents to other locations as their health care needs change;

(2) Base licensure on services provided rather than on facility type; and

(3) Be established in selected urban, rural and regional sites throughout the state.

3. The directors of the division of aging and division of medical services shall apply for all federal waivers necessary to provide Medicaid reimbursement for health care services received through the aging-in-place pilot program.

4. The division of aging shall monitor the pilot program and report to the general assembly on the effectiveness of such program, including quality of care, resident satisfaction and cost-effectiveness to include the cost equivalent of unpaid or volunteer labor.

5. Developments authorized by this section shall be exempt from the provisions of sections 197.300 to 197.367, RSMo, and shall be licensed by the division of aging."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 1, Section A, Line 13, by inserting after said line all of the following:

"191.660. 1. If a corrections officer, emergency services employee, health care provider or employee of a health care provider, law enforcement employee or juvenile correctional facility employee comes in contact with or otherwise is exposed to transmission of body fluids from one or more other persons while performing duties within the scope of such employee's duties as an employee, the employee or head of the employing agency or entity may petition a court of competent jurisdiction for an emergency order requiring such other person or persons to submit to infectious disease testing within twenty-four hours of the exposure.

2. The petition in subsection 1 of this section shall include an allegation that the person or persons sought to be tested have been requested to submit voluntarily to infectious disease tests and have refused such tests. When any such application is received, the court shall hold a hearing and shall issue its order thereon immediately to ensure that such testing can occur within twenty-four hours of the exposure if the court finds that:

(1) There is probable cause to believe that the employee involved has come in contact with or otherwise has been exposed to transmission of the body fluids of the person or persons sought to be tested; and

(2) The person or persons sought to be tested have been requested to submit to the tests and have refused, unless the court makes a further finding that exigent circumstances exist which, in the court's judgment, would excuse the applicant from making such a request.

3. If an infectious disease test ordered pursuant to this section results in a negative reaction, the court shall order the person tested to submit to another infectious disease test six months from the date the first test was administered.

4. The results of any infectious disease test ordered pursuant to this section shall be disclosed to the court which ordered the test, the employee and the person tested. If an infectious disease test ordered pursuant to this section results in a positive reaction, the results shall be reported to the employee."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, Page 13, Section 192.729, Line 24 by inserting after said line the following:

"194.210. As used in sections 194.210 to [194.290] **194.307**, the following words and terms mean:

(1) "Anatomical donation" or "anatomical donor", a human body part donation or a human body part donor;

(2) "Bank or storage facility", a facility licensed, accredited, or approved [under] **pursuant to** the laws of any state for storage of human bodies or parts thereof;

[(2)] (3) "Decedent", a deceased individual and includes a stillborn infant or fetus;

(4) "Donee":

(a) **Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or**

(b) **Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science, or therapy; or**

(c) **Any bank, storage facility or OPO, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or**

(d) **Any specified individual for therapy or transplantation needed by such individual;**

[(3)] (5) "Donor", an individual who makes a gift of all or part of his **or her** body;

(6) **"Fund", the organ donor program fund established in section 194.297;**

[(4)] (7) "Hospital", a hospital licensed, accredited, or approved [under] **pursuant to** the laws of any state and includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed [under] **pursuant to** state laws;

(8) **"OPO", the federally certified organ procurement organizations for the state of Missouri;**

[(5)] (9) "Part", organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body;

[(6)] (10) "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;

[(7)] (11) "Physician" or "surgeon", a physician or surgeon licensed or authorized to practice [under] **pursuant to** the laws of any state;

[(8)] (12) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

194.220. 1. Any individual of sound mind who is at least eighteen years of age may give all or any part of his **or her** body for any purpose specified in section 194.230, the gift to take effect upon death. **Any individual who is a minor and at least sixteen years of age may effectuate a gift for any purpose specified in section 194.230, provided parental or guardian consent is deemed given. Parental or guardian consent shall be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift.** An express gift that is not revoked by the donor before death is irrevocable, and the donee shall be authorized to accept the gift without obtaining the consent of any other person.

2. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual knowledge of a gift by the decedent [under] **pursuant to** subsection 1 of this section or actual notice of contrary indications by the decedent [or of opposition by a member of the same or a prior class], may give all or any part of the decedent's body for any purpose specified in section 194.230:

(1) An attorney in fact under a durable power of attorney that expressly refers to making a gift of all or part of the principal's body [under] **pursuant to** the uniform anatomical gift act;

(2) The spouse;

- (3) An adult son or daughter;
- (4) Either parent;
- (5) An adult brother or sister;
- (6) A guardian of the person of the decedent at the time of his **or her** death;
- (7) Any other person authorized or under obligation to dispose of the body.

3. If the donee has actual notice of contrary indications by the decedent [or that a gift by a member of a class is opposed by a member of the same or a prior class], the donee shall not accept the gift. The persons authorized by subsection 2 of this section may make the gift after or immediately before death.

4. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

5. The rights of the donee created by the gift are paramount to the rights of others except as provided by subsection 4 of section 194.270.

194.230. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

- (1) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or
- (2) Any accredited medical or dental school, college or university or the state anatomical board for education, research, advancement of medical or dental science, or therapy; or
- (3) Any bank [or], storage facility **or OPO**, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or
- (4) Any specified individual for therapy or transplantation needed by [him] **such individual**.

194.233. 1. [The chief executive officer of each hospital in this state shall designate one or more trained persons to request anatomical gifts which persons shall not be connected with determination of death. The hospital official may designate a representative of an organ or tissue procurement organization to request consent.

2. When there is a patient who is a suitable candidate for organ or tissue donation based on hospital accepted criteria the designee shall request consent to a donation from the persons authorized to give consent as specified in subdivision (1), (2), (3), (4), (5) or (6) of subsection 2 of section 194.220. The request shall be made in the order of priority stated in subsection 2 of section 194.220. When the hospital cannot, from available information, ascertain that the patient has next-of-kin authorized to give consent as specified in subdivision (2), (3), (4), (5) or (6) of subsection 2 of section 194.220, then the hospital shall notify and request consent to a donation from a member of the class described in subdivision (7) of subsection 2 of section 194.220. Such notification to a member of the class described in subdivision (7) of subsection 2 of section 194.220 shall occur before death where practicable.

3. No request shall be required if the hospital designee has actual notice of a gift by the decedent under subsection 1 of section 194.220 or actual notice of contrary indications by the decedent.

4. Consent shall be obtained by the methods specified in section 194.240.

5. Where a donation is requested, the designee shall verify such request in the patient's medical record. Such verification of request for organ donation shall include a statement to the effect that a request for consent to an anatomical gift has been made, and shall further indicate thereupon whether or not consent was granted, the name of the person granting or refusing the consent, and his or her relationship to the decedent.

6. Upon the approval of the designated next of kin or other individual, as set forth in subsection 2 of section 194.220, the hospital shall then notify an organ or tissue procurement organization and cooperate in the procurement of the anatomical gift or gifts pursuant to applicable provisions of sections 194.210 to 194.290.

7. No hospital shall have an obligation to retrieve the organ or tissue donated pursuant to this section.] **At or near the time of death of any patient in a hospital, the attending physician or hospital designee shall make contact with the OPO to determine the suitability for organ, tissue and eye donation for any purpose specified pursuant to sections 194.210 to 194.307. Such contact and the disposition shall be noted in the patient's medical record.**

2. The person designated by the hospital to contact the OPO shall have the following information available:

- (1) The patient's name and identifier number;**
- (2) The patient's age;**
- (3) Anticipated cause of death;**
- (4) Past medical history; and**
- (5) Other pertinent medical information.**

3. The OPO, in consultation with the patient's attending physician, or such physician's designee or the hospital's designee, shall determine suitability for donation. Such determination shall be made prior to the initiation of any request of the persons identified pursuant to section 194.220 for anatomical donation.

4. If the OPO determines that donation is not appropriate based on established medical criteria, such determination shall be noted by hospital personnel in the patient's record and no further action shall be necessary.

5. If the OPO determines that the patient is a suitable candidate for anatomical donation, a request shall be initiated by informing the appropriate persons of the option to donate organs, tissue or eyes. The request for anatomical donation shall be made by a representative of the OPO in consultation with the attending physician or the hospital designee. In those cases where the attending physician desires to approach the family to discuss organ or tissue donation, he or she may do so when accompanied by a representative of the OPO. The person making the request shall ask persons pursuant to section 194.220, whether the deceased had a validly executed donor card, will, other document or gift, driver's license or identification card evidencing an anatomical gift. If there is no such evidence of an anatomical gift, the person designated pursuant to section 194.220 shall be informed in accordance with sections 194.210 to 194.307 of the option to donate organs, tissue or eyes.

6. Within one year of the effective date of this section, each hospital in the state shall develop and implement a protocol for referring potential anatomical donors as provided in this section. The protocol shall require that, at or near the time of death of any patient, the hospital shall contact by telephone the OPO to determine suitability for anatomical donation of the potential donor. The protocol shall encourage discretion and sensitivity to family circumstances and beliefs in all discussions regarding donations of organs, tissue or eyes.

7. If the hospital staff advises the OPO that the hospital staff has received actual notice that the decedent did not wish to be an anatomical donor, the gift of all or any part of the decedent's body shall not be requested.

8. Death medical record reviews shall be performed in each hospital for the sole purpose of determining anatomical donor potential at the hospital. The hospital may perform the medical record review or may designate the OPO to conduct the review. If the hospital chooses to conduct its own review, it shall do so in accordance with clinical specifications and guidelines established by the OPO. If the hospital conducts the review, the OPO shall provide the necessary training to hospital personnel conducting the review. The hospital shall report the results of the review to the OPO no later than forty-five days following the completion of the

review. If the hospital designates the OPO to conduct the review, the OPO shall provide the hospital with written assurance that the OPO shall maintain the confidentiality of patient identifying information.

194.240. 1. A gift of all or part of the body [under] **pursuant to** subsection 1 of section 194.220 may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

2. A gift of all or part of the body [under] **pursuant to** subsection 1 of section 194.220 may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in [his] **the donor's** presence or before a notary or other official authorized to administer oaths generally. If the donor cannot sign, the document may be signed for [him] **the donor** at [his] **the donor's** direction and in [his] **the donor's** presence in the presence of two witnesses who must sign the document in [his] **the donor's** presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

3. The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by a physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death or if the gift cannot be implemented, a physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee [under] **pursuant to** this subsection shall not participate in the procedures for removing or transplanting a part.

4. Notwithstanding the provisions of subsection 2 of section 194.270, the donor may designate in his **or her** will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician to carry out the appropriate procedures. For the purpose of removing an eye or part thereof, any medical technician employed by a hospital, physician or eye bank and acting under supervision may perform the appropriate procedures. Any medical technician authorized to perform such procedure shall successfully complete the course prescribed in section 194.295 for embalmers.

5. Any gift by a person designated in subsection 2 of section 194.220 shall be made by a document signed by him **or her** or made by his **or her** telegraphic, recorded telephonic, or other recorded message.

6. A gift of part of the body [under] **pursuant to** subsection 1 of section 194.220 may also be made by a statement on a form which shall be provided on the reverse side of all Missouri motor vehicle licenses issued pursuant to chapter 302, RSMo. The statement to be effective shall be signed by the owner of the license in the presence of two witnesses, who shall sign the statement in the presence of the donor. Use of the form is prima facie evidence that the owner of the license intended to make the anatomical gift, and there shall be no civil or criminal liability for removal of any part of the body indicated on the form by a licensed physician or surgeon, **or donee**. The gift becomes effective upon the death of the donor. Delivery of the license during the donor's lifetime is not necessary to make the gift valid. The gift shall [become invalidated upon expiration, cancellation, revocation, or suspension of the license, and the gift must] be renewed upon renewal of each license. Pertinent medical information which may affect the quality of the gift may be included in the statement of gift.

7. Any person eighteen years of age or older, or any person under the age of eighteen with parental consent who indicates the desire to make an organ donation through any method prescribed in this section may also contact the department of health when completing such form, so that the information may be included in the registry maintained by the department pursuant to subsection 1 of section 194.304. Failure to contact the department of health shall not be construed to challenge the validity of the organ donation.

8. Organ procurement organizations and tissue banks may employ **procurement coordinators and enucleators who may not be physicians or surgeons** to assist in the [procurement] **recovery** of cadaveric organs and tissue for transplant or research. A **or enucleator** coordinator who assists in the procurement of cadaveric organs or tissue for transplantation or research must do so under the direction and supervision of a physician or surgeon. With the exception of organ procurement surgery, this supervision may be indirect supervision. For purposes of this subsection,

the term "indirect supervision" means that a physician or surgeon is responsible for the medical actions of the coordinator, that the coordinator is acting under protocols expressly approved by a physician or surgeon, and that a physician or surgeon is available, in person or by telephone, to provide medical direction, consultation and advice in cases of organ and tissue donation and procurement.

9. The department of health shall collect information and publish an annual report which shall include the number of organ and tissue donations made in the state, the number of organ or tissue donations received by citizens of the state of Missouri, the number of organ or tissue donations transported outside the state boundaries and the cost of such organ or tissue donations.

194.243. 1. Beginning no later than January 1, 2001, the division of motor vehicle and driver licensing shall modify the driver's license and identification card application process and renewal system to:

(1) Obtain information from individuals over the age of eighteen regarding such individual's consent to anatomical donation; and

(2) Allow persons under the age of eighteen to register as donors with parental consent. The division shall include an inquiry on the application and renewal form to read as follows:

"Do you wish to have the organ donor designation printed on your driver's license?"

If an individual indicates his or her consent to anatomical donation, such consent shall be noted on the front of the individual's driver's license or identification card with the word "Organ Donor" and recorded in the individual's computer record with the division of motor vehicle and driver licensing.

2. The OPO shall be given access to the donor information in subsection 1 of this section twenty-four hours a day through the division's database. Notwithstanding any other law to the contrary, the division is authorized to provide the OPO with the foregoing donor information. The OPO shall not be assessed a fee or other charges for such access.

3. The donor designation on the driver's license or identification card shall be deemed sufficient to satisfy all requirements for consent to organ and tissue donation.

4. Any person may request that his or her consent to anatomical donation by validly executed donor card, will, other document or gift be included in such person's computer record with the division of motor vehicle and driver licensing. The division may promulgate rules and regulations to implement the provisions of this subsection. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

194.245. Notwithstanding any other law to the contrary, if a validly executed donor card, advance health care directive, will, other document or gift, driver's license or identification card evidencing an anatomical gift exists, consent at the time of death shall not be necessary to render the gift valid.

194.249. The department of revenue shall provide a space on the face of the state individual income tax return for the 2000 tax year and each year thereafter whereby an individual may voluntarily designate a contribution of any amount desired to the organ donor program fund established in section 194.297. The amount designated by an individual on the state income tax return form shall be deducted from the tax refund to which the individual is entitled or added to the individual's payment and shall not constitute a charge against the income tax revenues due the state.

194.266. 1. The following persons may make a reasonable search for a document of gift or other information identifying the bearer as an organ donor or as an individual who has refused to make an anatomical gift:

(1) A law enforcement officer, firefighter, paramedic or other official emergency rescuer finding an individual who the searcher believes is near death; and

(2) A hospital, upon the admission of an individual at or near the time of death, if there is not immediately available any other source of such information.

2. Any law enforcement officer or other person listed in subsection 1 of this section may conduct an administrative search of the individual's driver's license record with the division of motor vehicle and driver's licensing to determine if the individual's authorization for organ donation or refusal of organ donation.

3. A physical search pursuant to subsection 1 of this section may be conducted at or near the time of death or hospital admission, and shall be limited to those personal effects of the individual where a driver's license may be reasonably stored. Any information, document, tangible objects or other items discovered during the search shall be used solely for the purpose of ascertaining the individual's identity, notifying the individual's next of kin, and determining whether the individual intends to make an anatomical gift. In no event shall any such discovered material be admissible in any subsequent criminal or civil proceeding, unless obtained pursuant to a lawful search on other grounds.

194.293. A hospital or physician who acts in good faith in accord with the terms of sections 194.210 to 194.307 shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding for such act.

194.297. There is established in the state treasury the "Organ Donor Program Fund", which shall consist of all moneys deposited by the director of revenue pursuant to **section 194.249 and** subsection 2 of section 302.171, RSMo, and any other moneys donated or appropriated to the fund. The state treasurer shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation, by the department of health, in consultation with the organ donation advisory committee, for implementation of organ donation awareness programs in the manner prescribed in [subsection 2 of section 194.300] **section 194.302.** Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the organ donor program fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. There shall be no money appropriated from general revenue to administer the fund in the event the fund cannot sustain itself.

194.300. 1. There is established within the department of health the "Organ Donation Advisory Committee", which shall consist of the following members appointed by the governor with the advice and consent of the senate:

(1) [Four representatives of organ and tissue procurement organizations;

(2)] **Two current representatives from each federally certified OPO;**

(2) One current representative from an eye bank;

(3) Four members representative of organ recipients, families of organ recipients, organ donors and families of organ donors;

[(3)] **(4) One health care representative from [a hospital located in Missouri; and] the Missouri Hospital Association;**

[(4)] **(5) One representative of the department of health; and**

(6) One representative of the department of revenue.

2. Members of the advisory committee shall receive no compensation for their services, but may be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties out of appropriations made for that purpose. Members shall serve for five year terms and shall serve at the pleasure of the governor."; and

Further amend said bill, Page 17, Section 199.200, Line 16 by inserting after said line the following:

"302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, Social Security number, age, height, weight, color of eyes, sex, residence, mailing

address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a [one-dollar] **two-dollar** donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable the director to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to driving without a license, careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than eighteen years of age, the applicant must comply with all requirements for the issuance of an intermediate driver's license pursuant to section 302.178.

2. An applicant for a license may make a donation of [one dollar] **two dollars** to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter the complete name, address, date of birth, race, gender and a unique personal identifier in the registry established in subsection 1 of section 194.304, RSMo.

3. An applicant for a license may make a donation of one dollar to promote a blindness education, screening and treatment program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the blindness education, screening and treatment program fund established in section 192.935, RSMo. Moneys in the blindness education, screening and treatment program fund shall be used solely for the purposes established in section 192.935, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one-dollar donation prescribed in this subsection.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge or duplicate any license without ready detection. All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section. The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored photograph of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for

a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240, RSMo, the name and address of the person designated pursuant to sections 404.800 to 404.865, RSMo, as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.

2. All film involved in the production of photographs for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.

5. The director of revenue shall issue a license without the photograph to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a statement on forms prescribed and made available by the department of revenue which states that the applicant is a member of a specified religious denomination which prohibits photographs of members as being contrary to its religious tenets. The license shall state thereon that no photograph is required because of the religious affiliation of the licensee. The director of revenue shall establish guidelines and furnish to each circuit court such forms as the director deems necessary to comply with this subsection. The circuit court shall not charge or receive any fee or court cost for the performance of any duty or act pursuant to this subsection.

6. The department of revenue may issue a temporary license without the photograph to out-of-state applicants and members of the armed forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

7. The department of revenue shall issue upon request a nondriver's license card containing essentially the same information as the driver's license upon payment of six dollars if the applicant is under the age of sixty-five. An applicant who is sixty-five years of age or older may purchase a nondriver's license card without a photograph for one dollar or a nondriver's license card with a photograph for six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license. **The director shall provide by administrative rule the procedure and format for an applicant to indicate a designation for an anatomical gift as provided in section 194.240, RSMo, on the back of the nondriver's license card.**

8. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536, RSMo."; and

Further amend the title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **HCS** for **HB 738**, as amended, and has taken up and passed **SS** for **HCS** for **HB 738**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 421** and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 421**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SS** for **SCS** for **SBs 323** and **230** and has taken up and passed **CCS** for **HS** for **SS** for **SCS** for **SBs 323** and **230**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 290**, entitled:

An Act to repeal sections 56.807, 56.816, 86.200, 86.207, 86.213, 86.233, 86.237, 86.250, 86.251, 86.252, 86.253, 86.256, 86.257, 86.260, 86.263, 86.267, 86.288, 86.290, 86.292, 86.300, 86.320, 86.340, 86.353, 86.360, 86.365, 86.370, 86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620, 86.675, 86.690, 86.750, 86.780, 87.120, 87.130, 87.135, 87.170, 87.185, 87.205, 87.215, 87.237, 87.240, 87.288, 87.310 and 87.371, RSMo 2000, relating to certain relief and pension systems, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1 and 3.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 290, Section 87.371, Page 92, Line 14 of said page by inserting immediately there after the following:

"87.615 **1.** Any firefighter who has retired or who retires and was not or is not a member of the retirement system governed by sections 70.600 to 70.755, RSMo, and any beneficiary of any such firefighter shall, upon application to any city with a population of at least seventy thousand located in a county of the first classification without a charter form of government, be made, constitutionally appointed, and employed by the city as a special consultant on the problems of retirement and upon request of the city council, shall give opinions and be available to give opinions in writing or orally in response to requests of the city council. As compensation for the services required by this section, the city may directly compensate the retired firefighter or beneficiary thereof in an amount established by ordinance of the city. Such amount of additional compensation may be paid directly by the city to each qualified retiree or beneficiary and shall not be considered employer contributions to the local government retirement system nor benefits paid therefrom.

2. Notwithstanding any other law to the contrary, beginning August 29, 2001, any beneficiary of a firefighter who had retired or who retires and was not or is not a member of the retirement system governed by sections 70.600 to 70.755, RSMo, shall upon application to any city with a population of at least seventy thousand located in a county of the first classification without a charter form of government, be made, constitutionally appointed,

and employed by the city as a special consultant on the problems of retirement and upon request of the city council, shall give opinions and be available to give opinions in writing or orally in response to request of the city council. As compensation for the services required by this section, the city may directly compensate the beneficiary thereof by continuing the death benefit payment upon remarriage of the beneficiary. Such amount of compensation may be paid directly by the city to each qualifying special consultant and shall not be considered employer contributions to the local government employees retirement system nor benefits paid therefrom."

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 290, Page 92, Section 87.371, Line 14, by inserting after all of said line on said page, the following:

"Section 1. Notwithstanding the provisions of sections 610.010 to 610.035, RSMo, to the contrary, any retirement plan as defined in section 105.660, RSMo, located in a city not within a county, providing retirement benefits for general employees shall provide, upon request by any retiree organization, sufficient information enabling such organization to contact retired members."; and

Further amend the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 241**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Sims moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 236**, as amended, and request the House to recede from its position and, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Steelman moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 369**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Steelman moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 453**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 462**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 462

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 462, with House Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendment Nos. 8, 9, 10, 11, 12, 14, 17, 18 and 19; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 462, as amended;
2. That the Senate recede from its position on Senate Bill No. 462; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 462, be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Morris Westfall
 /s/ Bill Foster
 /s/ John Cauthorn
 /s/ Sidney Johnson
 /s/ Ted House

FOR THE HOUSE:

/s/ Ken Legan
 /s/ Peter Myers
 /s/ Wes Shoemyer
 /s/ Frank A. Barnitz
 /s/ Denny Merideth

Senator Singleton assumed the Chair.

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klindt	Loudon
Mathewson	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senators Quick--1			
Absent--Senators			
Bland	Gibbons	Klarich	Schneider--4
Absent with leave--Senator Carter--1			

On motion of Senator Westfall, **CCS** for **HCS** for **SB 462**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE
 FOR SENATE BILL NO. 462

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330, 252.333, 272.010, 272.020, 272.040, 272.050, 272.060, 272.070, 272.100, 272.110, 272.130, 272.150, 272.160, 272.170, 272.180, 272.190, 272.200, 274.060, 278.080, 278.220, 278.240, 278.245, 278.250, 278.280, 278.290, 278.300, 322.010, 348.432, 409.401, 414.032, 578.012, 578.023, RSMo 2000, and to enact in lieu thereof sixty new sections relating to agriculture, with a penalty provision and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Rohrbach	Russell

Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators--None		
	Absent--Senators		
Gibbons	Klarich	Quick--3	
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Gibbons	Klarich	Quick	Staples--4
	Absent with leave--Senator Carter--1		

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 274**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 274

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 274; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 274;
2. That the Senate recede from its position on Senate Bill No. 274;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 274 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

FOR THE HOUSE:

/s/ Harold Caskey
/s/ Bill Kenney
/s/ Bill Foster
/s/ Ken Jacob
/s/ Chuck Gross

/s/ Timothy Harlan
/s/ Meg Harding
/s/ Jenie Lowe
/s/ James V. Froelker
/s/ Dr. Charles Portwood

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Gibbons Klarich--2

Absent with leave--Senator Carter--1

On motion of Senator Caskey, **CCS** for **HCS** for **SB 274**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 274

An Act to repeal sections 50.1000, 50.1010, 50.1230 and 50.1250, RSMo 2000, relating to certain county employees' retirement systems, and to enact in lieu thereof four new sections relating to the same subject, with an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Gibbons Klarich--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Childers, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 151** submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2

ON HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 151

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 151; and
- 3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151 be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Doyle Childers	/s/ Sam Gaskill
/s/ Roseann Bentley	/s/ Blaine Luetkemeyer
/s/ Chuck Gross	/s/ Dan Ward
/s/ Stephen Stoll	/s/ Bill Luetkenhaus
/s/ Sidney Johnson	/s/ Chris Liese

Senator Childers moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Gibbons	Klarich	Klindt--3	

Absent with leave--Senator Carter--1

On motion of Senator Childers, **CCS No. 2** for **HCS** for **SCS** for **SB 151**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 151

An Act to amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Loudon
Mathewson	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Gibbons	Klarich	Klindt	Quick--4
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Childers, title to the bill was agreed to.

Senator Childers moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Rohrbach moved that the Senate refuse to recede from its position on **SCA 1** and **SA 1** to **HB 621** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Bland, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 319**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 319

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 319, with House Amendments Nos. 1 and 3; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 319, as amended;
2. That the Senate recede from its position on Senate Bill No. 319;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 319, be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Mary Bland
/s/ Stephen Stoll
/s/ Roseann Bentley
/s/ Anita Yeckel
/s/ Bill Kenney

FOR THE HOUSE:

/s/ Connie L. Johnson
/s/ Randall Relford
/s/ Richard Franklin
/s/ Peter Myers
/s/ Charlie Shields

Senator Bland moved that the above conference committee report be adopted.

At the request of Senator Bland, the above motion was withdrawn.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **SCS** for **HB 120**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Caskey requested unanimous consent of the Senate to suspend the rules for the purpose of offering a technical perfecting amendment, which request was granted.

Senator Caskey offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Bill No. 120, appearing on Page 1278 of the Senate Journal for Friday, May 11, 2001, Column 1, Section 302.286, Lines 5-7 of said column, by striking said lines and inserting in lieu thereof the following: "**RSMo, for the theft of motor fuel as described in this section,**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **HB 120**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Klindt--1
Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 219, with **SCS**, introduced by Represen-tative Townley, et al, entitled:

An Act to repeal sections 272.010, 272.020, 272.040, 272.050, 272.060, 272.070, 272.100, 272.110, 272.130, 272.150, 272.160, 272.170, 272.180, 272.190, 272.200, 272.210, 272.220, 272.230, 272.235, 272.240, 272.250, 272.260, 272.270, 272.280, 272.290, 272.300, 272.310, 272.330, 272.340, 272.350, 272.360 and 272.370, RSMo 2000, relating to property rights, and to enact in lieu thereof twelve new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Cauthorn.

SCS for **HB 219**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 219

An Act to repeal sections 272.010, 272.020, 272.040, 272.050, 272.060, 272.070, 272.100, 272.110, 272.130, 272.150, 272.160, 272.170, 272.180, 272.190 and 272.200, RSMo 2000, relating to property rights, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

Senator Gross assumed the Chair.

Senator Cauthorn moved that **SCS** for **HB 219** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **HB 219** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Klindt--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HB 279**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 821**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 453**, as amended: Senators Steelman, Klarich, Gross, Mathewson and Quick.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 241**, as amended: Senators Caskey, Klarich, Cauthorn, Mathewson and Gibbons.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 72**, as amended: Senators Loudon, Klarich, Steelman, Quick and Scott.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 460**, as amended: Senators Klarich, Gibbons, Kinder, Caskey and Jacob.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HB 621**, as amended: Senators Rohrbach, Steelman, Russell, Goode and DePasco.

RESOLUTIONS

Senators Gross and House offered Senate Resolution No. 814, regarding Tom Hughes, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 815, regarding Phil White, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 816, regarding Terry Jones, St. Charles, which was adopted.

Senator Loudon offered Senate Resolution No. 817, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry E. Craig, Bridgeton, which was adopted.

Senator Kenney offered Senate Resolution No. 818, regarding Jaclyn Anderson, Lee's Summit, which was adopted.

Senator Jacob offered Senate Resolution No. 819, regarding Cynthia Deegan, Columbia, which was adopted.

Senator Steelman offered Senate Resolution No. 820, regarding Norman L. Brown, Rolla, which was adopted.

Senator Steelman offered Senate Resolution No. 821, regarding Diane Hess, Rolla, which was adopted.

Senator Westfall offered Senate Resolution No. 822, regarding Klova Helfrecht, Springfield, which was adopted.

COMMUNICATIONS

Senator Kenney submitted the following:

May 15, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the Interstate Cooperation Caucus.

A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Senator Ronnie DePasco Senator Bill Kenney

Senator David Klarich Senator Peter Kinder

Senator John D. Schneider Representative Ken Legan

Representative Beth Long Representative Denny Meredith

Representative Mark Richardson Representative David Schwab

Also,

May 15, 2001

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members were present and voted unanimously to approve the St. Charles County Area Caucus.

A list of members is attached.

Sincerely,

/s/ Bill Kenney

Senator Bill Kenney

Senator Ted House

Senator Chuck Gross

Representative Carl Bearden

Representative Tom Dempsey

Representative Jon Dolan

Representative Tom Green

Representative Bruce Holt

Representative Bill Luetkenhaus

Representative Charles Nordwald

Representative Cindy Ostmann.

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, the Physician of the Day, Dr. Kirby Turner, Poplar Bluff.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Wednesday, May 16, 2001.

SENATE CALENDAR

SEVENTY-FOURTH DAY-WEDNESDAY, MAY 16, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334

& 228-Kinder

(In Budget Control) SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS HOUSE BILLS ON THIRD READING

1. HCS for HB 50, with

SCS (Stoll)

(In Budget Control)

2. HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

3. HB 501-Bowman, et al,

with SCS (Steelman)

4. HS for HCS for HB 824-

Abel (Mathewson)

(In Budget Control)

5. HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

6. HS for HB 736-Liese,

with SCS (Yeckel)

(In Budget Control)

7. HCS for HJR 7, with

SCS (Staples)

(In Budget Control)

8. HB 249-Treadway, with

SCS (Kinder)

(In Budget Control)

9. HS for HCS for HBs

835, 90, 707, 373, 641,

510, 516 & 572-Britt,

with SCS (Caskey)

(In Budget Control)

10. HS for HB 555-Foley,

with SCS (Scott)

(In Budget Control)

11. HS for HB 349-Hosmer,

with SCS (Sims)

(In Budget Control)

12. HS for HCS for HBs 237,

270, 403 & 442-Smith,

with SCA 1 (Yeckel)

13. HCS for HB 279

(Stoll)

14. HB 821-Hosmer

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel,

with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,

with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al, with

SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 586-Klindt, with SCS &

SA 2 (pending)

SB 593-Klindt, with SCS

SJR 11-Yeckel

HB 70-Koller, with SCA 1

(Staples)

HB 80-Ross, with SCS &

SA 9 (pending) (Kenney)

HB 133-Gambaro, with SCS

(Yeckel)

HB 185-Legan, et al, with

SCS (Gross)

HB 285-Riback Wilson,

et al, with SS, SS for

SS, SA 8 & point of

order (pending) (Jacob)

HS for HCS for HB 327-

Rizzo, with SCS (Quick)

HS for HCS for HBs 328 &

88-Harlan, with SCS

(Sims)

HB 385-Franklin, with SCS,

SS for SCS & SA 8

(pending) (Foster)

HB 436-Merideth, et al

(Childers)

HB 444-Kreider, et al,

with SCA 1 (Wiggins)

HB 471-Jolly, et al, with

SCS (Wiggins)

HS for HCS for HB 488-

Koller, with SCS (Childers)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HCS for HB 581, with SCS

(Klindt)

HB 662-Green (73) and St. Onge,

with SCS & SA 2

(pending) (Foster)

HB 678-Seigfreid, with SCS

(pending) (Mathewson)

HS for HCS for HB 762-

Barry, with SCS, SS

for SCS, SA 8 & SSA 1

for SA 8 (pending)

(Sims and Stoll)

HCS for HB 780, with SCS

(Kenney)

HS for HB 882-Crump, with

SCS (Singleton)

HS for HCS for HBs 924,

714, 685, 756, 734 &

518-Wiggins, with SCS

(Mathewson)

HB 949-Barry, with SCS,

SS for SCS & SA 7

(pending) (Sims)

HB 954-Hosmer (Westfall)

HS for HCS for HB 1000-

Hosmer, with SCS &

SA 1 (pending) (Klindt)

HJR 5-Barry, et al, with

SS, SA 1 & point of

order (pending) (Yeckel)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,

with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al
(Stoll)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 266-Bland,
et al, with HS for HCS,
as amended

SCS for SB 290-Wiggins
and DePasco, with HS,
as amended

SB 307-Jacob, with HCS BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SB 72-Loudon, with HS for
HCS, as amended

SCS for SB 151-Childers,
with HCS

(Senate adopted CCR#2
and passed CCS#2)

SS for SB 193-Rohrbach,
with HCS, as amended
(Senate offered CCR)

SB 274-Caskey, with HCS
(Senate adopted CCR
and passed CCS)

SB 304-Klarich, with HCS

SB 319-Carter, with HCS,
as amended (Senate offered CCR)

SB 460-Klarich, with HS
for HCS, as amended

SB 462-Westfall, with HCS,
as amended

(Senate adopted CCR
and passed CCS)

SB 610-Westfall, with HCS

HCS for HBs 205, 323 &
549, with SCS (Childers)

HCS for HB 241, with SCS,
as amended (Caskey)

HCS for HBs 302 & 38,
with SCS, as amended
(Westfall)

HS for HB 421-Hoppe, with
SS for SCS, as amended

(Kinder) (House adopted CCR

and passed CCS)

HB 453-Ransdall, et al,

with SS for SCS, as

amended (Steelman)

HB 621-Gratz and Vogel,

with SCA 1 & SA 1

(Rohrbach) Requests to Recede or Grant Conference

SCS for SB 236-Sims, with

HS for HCS, as amended

(Senate requests House

recede or grant conference)

SS for SCS for SB 369-

Steelman, with HS for

HCS, as amended

(Senate requests House

recede or grant conference) RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3 (pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt

(House)

SR 495-Klarich, with SCS

HS for HCR 25-Graham

(Jacob)

SCR 34-Sims, with SCA 1

HCR 33-Lawson (Johnson) Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FOURTH DAY--WEDNESDAY, MAY 16, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"Happy are they who make the Lord their trust." (Psalm 40:4)

Gracious God, we are worried and concerned about so many things, but in You we are safe and secure. But we know that tragedies happen, as it did May 16, 1997, when Emily Stoll was killed. So we ask that we trust You'll be with us and help us remember them and our families and trust Your abiding care and guidance. Thus we can do that which You have called us to do here and trust that it will be for Your good purposes. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Johnson moved that **HCR 33** be taken up for adoption, which motion prevailed.

On motion of Senator Johnson, **HCR 33** was adopted by the following vote:

YEAS--Senators			
Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bentley	Bland--2		
Absent with leave--Senator Carter--1			

HS for **HCR 25**, introduced by Representative Graham, entitled:

An Act relating to authorization for the issuance of bonds for university arena projects.

Was taken up for 3rd reading and final passage by Senator Jacob.

Senator Goode offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Concurrent Resolution No. 25, appearing on Page 909 of the Senate Journal for Thursday, April 26, 2001, Column 2, Line 42 of said column, by inserting immediately after said line the following:

"BE IT FURTHER RESOLVED that bonds shall not be sold for the project until the project has been authorized in a capital improvements appropriation; and".

Senator Goode moved that the above amendment be adopted, which motion failed.

President Pro Tem Kinder assumed the Chair.

President Maxwell assumed the Chair.

On motion of Senator Jacob, **HS** for **HCR 25** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Sims
Staples	Stoll	Westfall	Wiggins
Yeckel--25			
NAYS--Senators			
Bentley	Cauthorn	Childers	Goode
Klindt	Rohrbach	Singleton	Steelman--8
Absent--Senators--None			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Jacob, title to the bill was agreed to.

Senator Jacob moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 244**, entitled:

An Act to repeal sections 301.260, 304.035 and 304.580, RSMo 2000, and to enact in lieu thereof five new sections relating to motor vehicles and equipment, with penalty provisions.

With House Amendments Nos. 1, 2, 4, 5, 6, 8, 9, 10, 11 and 13.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 1, Section A, Line 3, by inserting after all of said line the following:

"226.003. Notwithstanding any other provision of law or rule to the contrary, the department of transportation is hereby prohibited from contracting with private entities or vendors to operate truck stops, fueling stations, convenience stores or restaurants on or near interstate public rest areas. The department shall examine and research the Vermont and Utah state programs, which have phased out interstate public rest areas and instead have implemented a public/private partnership with designated interstate rest exits. Nothing in this section shall prohibit the department from maintaining existing interstate public rest areas or constructing new interstate public rest areas consistent with this section."; and

Further amend said bill, Pages 2 and 3, Section 302.286, Lines 1 to 23, by deleting all of said lines, and inserting in lieu thereof the following:

"302.286. 1. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made. A person found guilty or pleading guilty to stealing pursuant to section 570.030, RSMo, wherein the court found evidence of the theft of motor fuel as described in subdivision (5) of subsection 2 of section 570.030, RSMo, shall have his or her driver's license suspended by the court, beginning on the date of the court's order of conviction.

2. The person shall submit all of his or her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the department of revenue for administration of such order.

3. Suspension of a driver's license pursuant to this section shall be made as follows:

(1) For the first offense, suspension shall be for sixty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first sixty days of such suspension;

(2) For the second offense, suspension shall be for ninety days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first thirty days of such suspension; and

(3) For the third or any subsequent offense, suspension shall be for one hundred eighty days, provided that persons may apply for hardship licenses pursuant to section 302.309 at any time following the first ninety days of such suspension.

4. At the expiration of the suspension period, and upon payment of a reinstatement fee of twenty-five dollars, the director shall terminate the suspension and shall return the person's driver's license. The reinstatement fee shall be in addition to any other fees required by law, and shall be deposited in the state treasury to the credit of the state highway department fund, pursuant to section 302.228."; and

Further amend said bill, Page 4, Section 304.580, Line 36, by inserting after all of said line the following:

"307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an official inspection station, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe [to determine that it does not protrude from the bus] **shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;**
- (7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
- (8) The lettering and signing on the front, side[,] and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum, a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1 **of this section**, the Missouri state highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 **of this**

section and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles.

3. If, upon inspection, conditions which violate the standards in subsection 2 **of this section** are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 **of this section** shall be applicable."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 2, Section 301.260, Line 36, by inserting after all of said line the following:

"302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state **or any other state** shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a valid license from a state which has requirements for issuance of a license comparable to the Missouri requirements, the director may waive the requirement of actual demonstration of ability to exercise due care in the operation of a motor vehicle. If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness

to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement."; and

Further amend said bill, Page 4, Section 304.580, Line 36, by inserting after all of said line the following:

"307.173. 1. Except as provided in subsections 2 and 6 of this section, no person shall operate any motor vehicle registered in this state on any public highway or street of this state with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This section shall not prohibit labels, stickers, decalcomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in section 700.010, RSMo, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

2. [A permit to] **Any person may** operate a motor vehicle with [a front sidewing vent or window] **side and rear windows** that [has] **have** a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus or minus three percent [may be issued by the department of public safety to a person having a physical disorder requiring the use of such vision-reducing material. If, according to the permittee's physician, the physical disorder requires the use of a sun screening device which permits less light transmission and luminous reflectance than allowed under the requirements of this subsection, the limits of this subsection may be altered for that permittee in accordance with the physician's prescription. The director of the department of public safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by immediate family members who are husband, wife and sons or daughters who reside in the household].

3. A motor vehicle in violation of this section shall not be approved during any motor vehicle safety inspection required pursuant to sections 307.350 to 307.390.

4. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.**

5. Any person who violates the provisions of this section is guilty of a class C misdemeanor.

6. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

"Section 1. Notwithstanding any other law to the contrary, blue dot taillights shall be allowed on any motor vehicle manufactured prior to 1960."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 2, Section 301.260, Line 36, by inserting after all of said line the following:

"302.173. 1. Any applicant for a license, who does not possess a valid license issued pursuant to the laws of this state shall be examined as herein provided. Any person who has failed to renew such person's license on or before the date of its expiration or within six months thereafter must take the complete examination. Any active member of the armed forces, their adult dependents or any active member of the peace corps may apply for a renewal license without examination of any kind, unless otherwise required by sections 302.700 to 302.780, provided the renewal application shows that the previous license had not been suspended or revoked. Any person honorably discharged from the armed forces of the United States who held a valid license prior to being inducted may apply for a renewal license within sixty days after such person's honorable discharge without submitting to any examination of such person's ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780, other than the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. No applicant for a renewal license shall be required to submit to any examination of his or her ability to safely operate a motor vehicle over the highways of this state unless otherwise required by sections 302.700 to 302.780 or regulations promulgated thereunder, other than a test of the applicant's ability to understand highway signs regulating, warning or directing traffic and the vision test provided in section 302.175, unless the facts set out in the renewal application or record of convictions on the expiring license, or the records of the director show that there is good cause to authorize the director to require the applicant to submit to the complete examination. The examination shall be made available in each county. Reasonable notice of the time and place of the examination shall be given the applicant by the person or officer designated to conduct it. The complete examination shall include a test of the applicant's natural or corrected vision as prescribed in section 302.175, the applicant's ability to understand highway signs regulating, warning or directing traffic, the applicant's practical knowledge of the traffic laws of this state, and an actual demonstration of ability to exercise due care in the operation of a motor vehicle of the classification for which the license is sought. When an applicant for a license has a valid license from [a state which has requirements for issuance of a license comparable to the Missouri requirements,] **another state which is currently in good standing in that state,** the director [may] **shall** waive the [requirement] **requirements** of [actual demonstration of ability to exercise due care in the operation of a motor vehicle] **this section including the vision test requirements set forth in section 302.175.** If the director has reasonable grounds to believe that an applicant is suffering from some known physical or mental ailment which ordinarily would interfere with the applicant's fitness to operate a motor vehicle safely upon the highways, the director may require that the examination include a physical or mental examination by a licensed physician of the applicant's choice, at the applicant's expense, to determine the fact. The director shall prescribe regulations to ensure uniformity in the examinations and in the grading thereof and shall prescribe and furnish all forms to the members of the highway patrol and to other persons authorized to conduct examinations as may be necessary to enable the officer or person to properly conduct the examination. The records of the examination shall be forwarded to the director who shall not issue any license hereunder if in the director's opinion the applicant is not qualified to operate a motor vehicle safely upon the highways of this state.

2. The director of revenue shall delegate the power to conduct the examinations required for a license or permit to any member of the highway patrol or any person employed by the highway patrol. The powers delegated to any examiner may be revoked at any time by the director of revenue upon notice.

3. Notwithstanding the requirements of subsections 1 and 2 of this section, the successful completion of a motorcycle rider training course approved pursuant to sections 302.133 to 302.138 shall constitute an actual demonstration of the person's ability to exercise due care in the operation of a motorcycle or motortricycle, and no further driving test shall be required to obtain a motorcycle or motortricycle license or endorsement."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting immediately after all of said line the following:

"Section 1. A towing company, as defined in Section 304.001, RSMo, shall grant access to insurance personnel for the purposes of inspection, appraisal and photographs of property at no charge and without requiring any surety."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 4, Section 304.580, Line 36, by inserting immediately after all of said line the following:

"414.407. 1. As used in this section, the following terms mean:

- (1) "B-20", a blend of twenty percent by volume biodiesel fuel and eighty percent by volume petroleum-based diesel fuel;**
- (2) "Biodiesel", fuel as defined in ASTM Standard PS121;**
- (3) "EPAAct", the federal Energy Policy Act, 42 U.S.C. 13201, et seq.;**
- (4) "EPAAct credit", a credit issued pursuant to EPAAct;**
- (5) "Fund", the Biodiesel Fuel Revolving Fund;**
- (6) "Incremental cost", the difference in cost between biodiesel fuel and conventional petroleum-based diesel fuel at the time the biodiesel fuel is purchased.**

2. The department, in cooperation with the department of agriculture, shall establish and administer an EPAAct credit banking and selling program to allow state agencies to use moneys generated by the sale of EPAAct credits to purchase biodiesel fuel for use in state vehicles. Each state agency shall provide the department with all vehicle fleet information necessary to determine the number of EPAAct credits generated by the agency. The department may sell credits in any manner pursuant to the provisions of EPAAct.

3. There is hereby created in the state treasury the "Biodiesel Fuel Revolving Fund", into which shall be deposited moneys received from the sale of EPAAct credits banked by state agencies on the effective date of this section and in future reporting years, any moneys appropriated to the fund by the General Assembly, and any other moneys obtained or accepted by the department for deposit into the fund. The fund shall be managed to maximize benefits to the state in the purchase of biodiesel fuel and, when possible, to accrue those benefits to state agencies in proportion to the number of EPAAct credits generated by each respective agency.

4. Moneys deposited into the fund shall be used to pay for the incremental cost of biodiesel fuel with a minimum biodiesel concentration of B-20 for use in state vehicles and for administration of the fund. Not later than January thirty-first of each year, the department shall submit an annual report to the General Assembly on the expenditures from the fund during the preceding fiscal year.

5. Notwithstanding the provisions of section 33.0080, RSMo, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

6. The department shall promulgate such rules as are necessary to implement this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

7. The department shall conduct a study of the use of alternative fuels in motor vehicles in the state and shall report its findings and recommendations to the General Assembly no later than January 1, 2002. Such study shall include:

- (1) An analysis of the current use of alternative fuels in public and private vehicle fleets in the state;
- (2) An assessment of methods that the state may use to increase use of alternative fuels in vehicle fleets, including the sale of credits generated pursuant to the federal Energy Policy Act, 42 U.S.C. 13201, et seq., to pay for the difference in cost between alternative fuels and conventional fuels;
- (3) An assessment of the benefits or harm that increased use of alternative fuels may make to the state's economy and environment;
- (4) Any other information that the department deems relevant."; and

Further amend said bill in the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 1, Section A, Line 3, by inserting the following:

"226.133. 1. The general assembly may authorize the highways and transportation commission to issue bonds or other evidence of indebtedness in an amount not to exceed two billion dollars from fiscal year 2001 to fiscal year 2006; except that, the highways and transportation commission may immediately authorize issue of bonds up to two hundred fifty million dollars for the purpose of providing funds for use in highway construction and repairs scheduled in the five-year plan. The principal amount of such bonds shall not exceed five hundred million dollars in any one fiscal year. **The sale of such bonds shall be negotiated, after a competitive selection process, with an underwriting group managed by firms headquartered within the State of Missouri, as long as such firms are not deemed to be unqualified or price uncompetitive. The underwriting group so managed shall have as its first priority the sale of the bonds to Missouri individual investors as long as such sale is not inconsistent with deriving the lowest possible financing costs.** Proceeds from the issuance of the bonds shall be provided to the department of transportation to pay for the cost of construction engineering and construction. The proceeds from the bonds shall not be used to pay for administrative expenses, including but not limited to planning and design expenses. Contracted final design shall not be considered an administrative expense, but shall not exceed seven percent of any project.

2. To obtain authorization for the issuance of bonds, the highways and transportation commission shall annually present to the general assembly, by the tenth legislative day, a proposed plan and an analysis demonstrating the feasibility and appropriateness thereof. The plan to issue bonds shall become effective no later than forty-five calendar days after the plan proposed by the highways and transportation commission is submitted to a regular session of the general assembly, unless it is disapproved within forty-five calendar days of its submission to a regular session by a

concurrent resolution introduced within fourteen calendar days of the submission of the plan to a regular session of the general assembly and adopted by a majority vote of the elected members of each house. If no concurrent resolution disapproving of the highway plan is introduced within fourteen calendar days of the submission of the plan to the legislature, then the plan shall become effective immediately. The presiding officer of each house in which a concurrent resolution disapproving of a plan to issue bonds has been introduced, unless the resolution has been previously accepted or rejected by that house, shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days after introduction of the concurrent resolution pertaining to the department of transportation plan. The presiding officer of the house passing a concurrent resolution disapproving of a plan to issue bonds shall immediately forward the bill to the other house and the presiding officer of that house shall submit it to a vote of the membership not sooner than seven calendar days or later than fourteen calendar days of its receipt from the other legislative body. The plan submitted by the highways and transportation commission shall not be subject to amendment by either chamber and may only be rejected in its entirety.

3. The highways and transportation commission shall offer such bonds at public sale or negotiated sale. The bonds shall be for a period of not less than ten years and not more than twenty years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law.
4. The proceeds of the sale or sales of any bonds issued pursuant to this section shall be paid into the state road fund to be expended for the purpose specified pursuant to the provisions of section 226.220.
5. Bonds issued pursuant to this section shall be state road bonds as such term is used in section 30(b) of article IV of the state constitution, and as such, principal and interest payments on such bonds shall be made from the state road fund as provided in section 30(b) of article IV of the state constitution. Bonds issued pursuant to this section shall not be deemed to constitute a debt or liability of the state or a pledge of the full faith and credit of the state, and the principal and interest on such bonds shall be payable solely from the state road fund. Bonds issued pursuant to this section, the interest thereon, or any proceeds from such bonds, shall be exempt from taxation in the state of Missouri for all purposes except for the state estate tax.
6. Bonds may be issued for the purpose of refunding either at maturity or in advance of maturity, any bonds issued [under] **pursuant** to this section. The proceeds of such refunding bonds may either be applied to the payment of the bonds being refunded or deposited in trust and maintained in cash or investments for the retirement of the bonds being refunded, as shall be specified by the highways and transportation commission and the authorizing resolution or trust indenture securing such refunding bonds. The authorizing resolution or trust indenture securing the refunding bonds shall specify the amount and other terms of the refunding bonds and may provide that the refunding bonds shall have the same security for their payment as provided for the bonds being refunded. The refunding bonds shall be for a period of not less than ten years and not more than twenty years from their date of issue and shall bear interest at a rate or rates not exceeding the rate permitted by law. The principal amount of refunding bonds issued pursuant to this section shall not be counted toward the limit on the principal amount of bonds permitted [under] **pursuant** to this section."; and

Further amend said title, enacting clause and intersectional reference accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 3, Section 302.286, Line 23, by inserting after all of said line the following:

"304.015. 1. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

2. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such

movement;

(2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of sections 304.014 to 304.026 or traffic regulations thereunder or of municipalities;

(3) When the right half of a roadway is closed to traffic while under construction or repair;

(4) Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

3. It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except [in a crossover or] **at an intersection or interchange or at any signed location designated by the state highways and transportation commission or the department of transportation. The provisions of this subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the commission or the department.**

4. The authorities in charge of any highway or the state highway patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri highway patrol and other peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

5. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

(3) Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in sections 304.014 to 304.026;

(4) Official signs may be erected by the highways and transportation commission or the highway patrol may place temporary signs directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;

(5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

6. All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

7. Violation of this section shall be deemed an infraction unless such violation causes an immediate threat of an accident, in which case such violation shall be deemed a class C misdemeanor, or unless an accident results from such violation, in which case such violation shall be deemed a class A misdemeanor.; and

Further amend said bill, Page 3, Section 304.035, Line 21, by inserting after all of said line the following:

"304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any [primary or interstate] highway in this state [plus a distance not to exceed ten miles from such highways,] having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020, RSMo, shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any [primary or interstate highways] **state highway** of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart [and further provided, however, that when any vehicle or combination of vehicles with six axles which includes a tandem axle group as above defined and a group of three axles which are fully equalized, automatically or mechanically, and the distance between the center of the extremes of which does not exceed one hundred ten inches, the chief engineer of the Missouri state transportation department shall issue a special permit for the movement thereof, as provided in section 304.200, for twenty thousand pounds for each axle of the tandem axle group and for sixteen thousand pounds for each axle of the group of three fully equalized axles which are equalized, automatically or mechanically, when said vehicle or combination of vehicles is used to transport excavation or construction machinery or equipment, road-building machinery or farm implements over routes in the primary system and other routes that are not a part of the interstate system of highways; provided, further, that the chief engineer of the Missouri state transportation department may issue permits on the interstate system].

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a [primary or interstate] highway **of this state** through any one axle or on any tandem axle, the total gross weight with load imposed [upon a primary or interstate highway, plus a distance not to exceed ten miles from such highways,] by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet					
between the extremes					
of any group of two or					
more consecutive axles,					
measured to the nearest					
foot, except where					
indicated otherwise					
Maximum load in pounds					
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				

8 34,000 34,000

More

than 8 38,000 42,000

9 39,000 42,500

10 40,000 43,500

11 40,000 44,000

12 40,000 45,000 50,000

13 40,000 45,500 50,500

14 40,000 46,500 51,500

15 40,000 47,000 52,000

16 40,000 48,000 52,500 58,000

17 40,000 48,500 53,500 58,500

18 40,000 49,500 54,000 59,000

19 40,000 50,000 54,500 60,000

20 40,000 51,000 55,500 60,500 66,000

21 40,000 51,500 56,000 61,000 66,500

22 40,000 52,500 56,500 61,500 67,000

23 40,000 53,000 57,500 62,500 68,000

24 40,000 54,000 58,000 63,000 68,500

25 40,000 54,500 58,500 63,500 69,000

26 40,000 55,500 59,500 64,000 69,500

27 40,000 56,000 60,000 65,000 70,000

28 40,000 57,000 60,500 65,500 71,000

29 40,000 57,500 61,500 66,000 71,500

30 40,000 58,500 62,000 66,500 72,000

31 40,000 59,000 62,500 67,500 72,500

32 40,000 60,000 63,500 68,000 73,000

33 40,000 60,000 64,000 68,500 74,000

34 40,000 60,000 64,500 69,000 74,500

35	40,000	60,000	65,500	70,000	75,000
36	60,000	66,000	70,500	75,500	
37	60,000	66,500	71,000	76,000	
38	60,000	67,500	72,000	77,000	
39	60,000	68,000	72,500	77,500	
40	60,000	68,500	73,000	78,000	
41	60,000	69,500	73,500	78,500	
42	60,000	70,000	74,000	79,000	
43	60,000	70,500	75,000	80,000	
44	60,000	71,500	75,500	80,000	
45	60,000	72,000	76,000	80,000	
46	60,000	72,500	76,500	80,000	
47	60,000	73,500	77,500	80,000	
48	60,000	74,000	78,000	80,000	
49	60,000	74,500	78,500	80,000	
50	60,000	75,500	79,000	80,000	
51	60,000	76,000	80,000	80,000	
52	60,000	76,500	80,000	80,000	
53	60,000	77,500	80,000	80,000	
54	60,000	78,000	80,000	80,000	
55	60,000	78,500	80,000	80,000	
56	60,000	79,500	80,000	80,000	
57	60,000	80,000	80,000	80,000	

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. [Subject to the limit upon the weight imposed upon a supplementary highway through any one axle which shall not have a weight greater than eighteen thousand pounds or on any tandem axle which shall not have a weight greater than thirty-two thousand pounds, the total gross weight with load imposed upon the supplementary highway by any vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of a single motor vehicle or by the first axle of a motor vehicle and the last axle of the last vehicle in any combination of vehicles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet
between the Maximum load
extreme axles in pounds

- 4 32,000
- 5 32,000
- 6 32,000
- 7 32,000
- 8 33,200
- 9 34,400
- 10 35,600
- 11 36,800
- 12 38,000
- 13 39,200
- 14 40,400
- 15 41,600
- 16 42,800
- 17 44,000
- 18 45,200
- 19 46,400
- 20 47,600
- 21 48,800
- 22 50,000
- 23 51,000
- 24 52,000
- 25 53,000
- 26 54,000
- 27 55,000
- 28 56,000

- 29 57,000
- 30 58,000
- 31 59,000
- 32 60,000
- 33 61,100
- 34 62,200
- 35 63,500
- 36 64,600
- 37 65,900
- 38 67,100
- 39 68,300
- 40 69,700
- 41 70,800
- 42 72,000
- 43 or over 73,280

5. Provided, however, subject to the limit upon the weight imposed through any one axle, through any tandem axle, as provided in subsection 4 of this section, the total gross weight with load imposed upon any bridges generally considered by the state highways and transportation commission to be on the supplementary system or upon any bridges which are under the jurisdiction of and maintained by counties, townships or cities shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet

between the Maximum load

extreme axles In pounds

- 4 32,000
- 5 32,000
- 6 32,000
- 7 32,000
- 8 32,610
- 9 33,580
- 10 34,550

11 35,510
12 36,470
13 37,420
14 38,360
15 39,300
16 40,230
17 41,160
18 42,080
19 42,990
20 43,900
21 44,800
22 45,700
23 46,590
24 47,470
25 48,350
26 49,220
27 50,090
28 50,950
29 51,800
30 52,650
31 53,490
32 54,330
33 55,160
34 55,980
35 56,800
36 57,610
37 58,420
38 59,220
39 60,010

40 60,800

41 61,580

42 62,360

43 63,130

44 63,890

45 or over 64,650

The state highways and transportation commission, with respect to bridges on the supplementary system, or the person in charge of supervision or maintenance of the bridges on the county, township or city roads and streets may determine and by official order declare that certain designated bridges do not appear susceptible to unreasonable and unusual damage by reason of such higher weight limits and may legally be subjected to the higher limits in this section.]

Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

[6.] **5.** Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

[7. Additional routes may be designated by the state highways and transportation commission for movement or operation by vehicles or combinations of vehicles having the weights described in subsections 1 and 3 of this section.

8.] **6.** Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds.

[9.] **7.** Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, RSMo, concrete pump trucks or well-drillers' equipment may be operated on state maintained roads and highways at any time on any day."; and

Further amend said bill, Page 3, Section 304.580, Line 3, by inserting after the word "transportation" the words "**or a contractor performing work for the department of transportation**"; and

Further amend said bill, Page 3, Section 304.580, Line 4, by inserting after the period "." on said line the following: "**The term "work zone" or "construction zone" also includes the lanes of highway leading up to the area upon which an activity described in this subsection is being performed, beginning at the point where appropriate signs directing motor vehicles to merge from one lane into another lane are posted.**"; and

Further amend said bill, Page 4, Section 304.580, Line 35, by inserting after "6." on said line the following:

"The driver of a motor vehicle may not overtake or pass another motor vehicle within a work zone or construction zone. This subsection applies to a construction zone or work zone located upon a highway divided into two or more marked lanes for traffic moving in the same direction and for which motor vehicles are instructed to merge from one lane into another lane by an appropriate sign erected by the department of transportation or a contractor performing work for the department of transportation. Violation of this subsection is a class C misdemeanor.

7."; and

Further amend said bill, Page 4, Section 304.580, Line 10, by inserting after "**304.010**," the following: "**or for a passing violation pursuant to subsection 3 of this section**,"; and

Further amend said bill, Page 4, Section 304.580, Line 12, by inserting after the word "**speeding**" the words "**or passing**"; and

Further amend said bill, Page 4, Section 304.580, Line 23, by inserting after the word "**speeding**" the words "**or passing**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

"The state highway commission shall reduce the speed from 45 to 35 miles per hour on Highway 14 at the east city limit line of Ozark, Missouri to 10th Avenue."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 13

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 244, Page 5, Section 431.181, Line 15, by inserting after all of said line the following:

"Section 1. The director of the department of transportation shall have the authority to award grants to local governments for the purpose of obtaining retro reflective sheeting for school warning signs which shall:

(1) Be fluorescent yellow-green in color;

(2) Comply with Section 7B.07 of the Manual on Uniform Traffic Control Devices of the United States Department of Transportation; and

(3) Qualify as Type IX retro reflective sheeting as defined by the American Society for the Testing of Materials (ASTM).

2. The grants awarded pursuant to this section shall be paid from the general revenue fund, subject to appropriation, and may not exceed a total amount of two hundred thousand dollars.

3. To qualify for a grant pursuant to this section, local government entities shall contribute local funds, labor or materials in an amount not less than twenty-five percent of the amount of such community's grant award.

4. In awarding the grants, the director shall consider the community's need for assistance based on safety concerns related to traffic control near a school. The director shall also consider awarding grants to public

governmental bodies in different regions throughout the state.

5. The department shall promulgate such rules as are necessary to implement this section. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 660**, as amended, and has taken up and passed **SCS** for **HCS** for **HB 660**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 236**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 369**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HB 621**, as amended. Representatives: Gratz, Hampton, Vogel, Relford and Rector.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 241**, as amended. Representatives: Smith, Willoughby, Curls, Ridgeway and Crowell.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 236**, as amended. Representatives: Ladd Baker, Abel, Harlan, Shields and Portwood.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 453**, as amended. Representatives: Ransdall, Smith, Merideth, Jetton and Hohulin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 393**, entitled:

An Act to repeal sections 167.181, 191.211, 191.411, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070, 332.072, 332.181, 332.261, 332.311 and 332.321, RSMo 2000, relating to dental care, and to enact in lieu thereof twenty new sections relating to the same subject, with an emergency clause for certain sections.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 393, by inserting at the appropriate location the following:

"660.026. Subject to appropriation, the director of the department of social services, or the director's designee, may contract with and provide funding support to federally qualified health centers, as defined in 42 U.S.C. Section 1396d(1)(2)(B), in this state. Funds appropriated pursuant to this section shall be used to assist such centers in ensuring that health care, including dental care, and mental health services is available to needy persons in this state. Such funds may also be used by centers for capital expansion, infrastructure redesign or other similar uses if federal funding is not available for such purposes. No later than forty-five days following the end of each federal fiscal year, the centers shall report to the director of the department of social services the number of patients served by age, race, gender, method of payment and insurance status."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 393, Page 37, Section 332.324, Line 19, by inserting at the end of said line the following:

"Section 1. Dental primary care and preventive health services as authorized in 105.711, RSMo, shall include examinations, cleaning, fluoride treatment, application of sealants, placement of basic restorations and emergency treatment to relieve pain."; and

Further amend title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 374**, entitled:

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to emissions banking and trading.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to concur in **HCS** for **SS** for **SB 244**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Michael L.

Green, as a member of the Missouri Commission on Human Rights begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

On behalf of Senator Foster, Senator Kinder moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 279** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HCS** for **HB 50**, with **SCS**; and **HB 249**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **HB 80**, with **SCS** and **SA 9** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 9 was again taken up.

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Johnson, Quick and Wiggins.

SA 9 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Mathewson	Quick	Steelman	Wiggins-- 12
NAYS--Senators			
Bentley	Cauthorn	Childers	Gibbons
Gross	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Scott	Singleton	Stoll	Westfall
Yeckel-- 17			
Absent--Senators			
Foster	Schneider	Sims	Staples--4
Absent with leave--Senator Carter-- 1			

Senator Kenney offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting immediately after said line the following:

"94.577. 1. The governing body of any municipality except those located in whole or in part within any first class county having a charter form of government and not containing any part of a city with a population of four hundred thousand or more and adjacent to a city not within a county for that part of the municipality located within such first class county is hereby authorized to impose, by ordinance or order, a one-eighth, one-fourth, three-eighths, or one-half

of one percent sales tax on all retail sales made in such municipality which are subject to taxation under the provisions of sections 144.010 to 144.525, RSMo, for the purpose of funding capital improvements, including the operation and maintenance of capital improvements, which may be funded by issuing bonds which will be retired by the revenues received from the sales tax authorized by this section or the retirement of debt under previously authorized bonded indebtedness. A municipality located in a charter county may impose a sales tax on all retail sales for capital improvements as provided in section 94.890. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law; but no ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the municipality submits to the voters of the municipality, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the municipality to impose such tax and, if such tax is to be used to retire bonds authorized under this section, to authorize such bonds and their retirement by such tax, or to authorize the retirement of debt under previously authorized bonded indebtedness.

2. The ballot of submission shall contain, but need not be limited to:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the municipality of (municipality's name) impose a sales tax of (insert amount) for the purpose of funding capital improvements which may include the retirement of debt under previously authorized bonded indebtedness?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"; or

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the municipality of (municipality's name) issue bonds in the amount of (insert amount) to fund capital improvements and impose a sales tax of (insert amount) to repay bonds?

☐ YES ☐ NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in box opposite "No".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, including when the proposal authorizes the reduction of debt under previously authorized bonded indebtedness under subdivision (1) of this subsection, then the ordinance or order and any amendments thereto shall be in effect, except that any proposal submitted under subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds must be approved by the constitutionally required percentage of the voters voting thereon to become effective. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the municipality shall have no power to issue any bonds or impose the sales tax authorized in this section unless and until the governing body of the municipality shall again have submitted another proposal to authorize the governing body of the municipality to issue any bonds or impose the sales tax authorized by this section, and such proposal is approved by the requisite majority of the qualified voters voting thereon; however, in no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal pursuant to this section, **except that any municipality with a population of greater than four hundred thousand and located within more than one county may submit a proposal pursuant to this section to the voters sooner than twelve months from the date of the last proposal submitted pursuant to this section if submitted to the voters on or before November 6, 2001.**

3. All revenue received by a municipality from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used solely for capital improvements, including the operation and

maintenance of capital improvements, for so long as the tax shall remain in effect. Once the tax authorized by this section is abolished or is terminated by any means, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with revenues raised by the tax authorized by this section. Any funds in the special trust fund required by this subsection which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have not been imposed to retire bonds issued pursuant to this section.

4. All revenue received by a municipality which issues bonds under this section and imposes the tax authorized by this section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of capital improvements. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for the maintenance of the capital improvements made with the revenue received as a result of the issuance of such bonds. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued under this section may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by this section which have been imposed to retire bonds issued under this section.

5. After the effective date of any tax imposed under the provisions of this section, the director of revenue shall perform all functions incident to the administration, collection, enforcement, and operation of the tax in the same manner as provided in sections 94.500 to 94.570, and the director of revenue shall collect in addition to the sales tax for the state of Missouri the additional tax authorized under the authority of this section. The tax imposed pursuant to this section and the tax imposed under the sales tax law of the state of Missouri shall be collected together and reported upon such forms and under such administrative rules and regulations as may be prescribed by the director of revenue. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

6. No tax imposed pursuant to this section for the purpose of retiring bonds issued under this section may be terminated until all of such bonds have been retired.

7. In any city not within a county, no tax shall be imposed pursuant to this section for the purpose of funding in whole or in part the construction, operation or maintenance of a sports stadium, field house, indoor or outdoor recreational facility, center, playing field, parking facility or anything incidental or necessary to a complex suitable for any type of professional sport or recreation, either upon, above or below the ground.

8. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any municipality for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such municipalities. If any municipality abolishes the tax, the municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such municipality, the director of revenue shall remit the balance in the account to the municipality and close the account of that municipality. The director of revenue shall notify each municipality of each instance of any amount refunded or any check redeemed from receipts due the municipality."; and

Further amend said bill, Page 15, Section B, Line 11, by inserting after all of said line the following:

"Section C. Because immediate action is necessary to protect municipalities, the enactment of section 94.577 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 94.577 of this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

"542.261. As used in sections 542.261 to 542.296 and section 542.301, the term "peace officer" means a police officer, member of the highway patrol to the extent otherwise permitted by law to conduct searches, sheriff or deputy sheriff, **and the term "technological crime" shall be defined as it is in section 578.600, RSMo.**

542.276. 1. Any peace officer or prosecuting attorney may make application under section 542.271 for the issuance of a search warrant. **In any investigation of a technological crime, the attorney general may also make application under section 542.271 for the issuance of a search warrant.**

2. The application shall:

(1) Be in writing;

(2) State the time and date of the making of the application;

(3) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;

(4) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he is to search;

(5) State facts sufficient to show probable cause for the issuance of a search warrant;

(6) Be verified by the oath or affirmation of the applicant;

(7) Be filed in the proper court;

(8) Be signed by the prosecuting attorney of the county where the search is to take place, or [his] **by the prosecuting attorney's designated assistant, or, in the case of an application to search for and seize evidence related to a technological crime, be signed by the attorney general or the attorney general's designated assistant, or the prosecuting attorney or the prosecuting attorney's designated assistant.**

3. The application may be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the person, place, or thing to be searched or of the property, article, material, substance, or person to be seized. Oral testimony shall not be considered.

4. The judge shall hold a nonadversary hearing to determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavit that there is probable cause to believe that property, article, material, substance, or person subject to seizure is on the person or at the place or in the thing described, a search warrant shall immediately be issued. The warrant shall be issued in the form of an original and two copies.

5. The application and any supporting affidavit and a copy of the warrant shall be retained in the records of the court from which the warrant was issued.

6. The search warrant shall:

- (1) Be in writing and in the name of the state of Missouri;
 - (2) Be directed to any peace officer in the state;
 - (3) State the time and date the warrant is issued;
 - (4) Identify the property, article, material, substance or person which is to be searched for and seized, in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
 - (5) Identify the person, place, or thing which is to be searched, in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what he is to search;
 - (6) Command that the described person, place, or thing be searched and that any of the described property, article, material, substance, or person found thereon or therein be seized or photographed or copied and be returned, or the photograph or copy be brought, within ten days after filing of the application, to the judge who issued the warrant, to be dealt with according to law;
 - (7) Be signed by the judge, with his title of office indicated.
7. A search warrant issued under this section may be executed only by a peace officer. The warrant shall be executed by conducting the search and seizure commanded.
8. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten days after the date of the making of the application.
9. After execution of the search warrant, the warrant with a return thereon, signed by the officer making the search, shall be delivered to the judge who issued the warrant. The return shall show the date and manner of execution, what was seized, and the name of the possessor and of the owner, when he is not the same person, if known. The return shall be accompanied by a copy of the itemized receipt required by subsection 6 of section 542.291. The judge or clerk shall, upon request, deliver a copy of such receipt to the person from whose possession the property was taken and to the applicant for the warrant.
10. A search warrant shall be deemed invalid:
- (1) If it was not issued by a judge; or
 - (2) If it was issued without a written application having been filed and verified; or
 - (3) If it was issued without probable cause; or
 - (4) If it was not issued in the proper county; or
 - (5) If it does not describe the person, place, or thing to be searched or the property, article, material, substance, or person to be seized with sufficient certainty; or
 - (6) If it is not signed by the judge who issued it; or
 - (7) If it was not executed within the time prescribed by subsection 8 of this section.

578.600. As used in sections 578.600 to 578.610, "technological crime" means any crime that involves, or the commission of which has been furthered by, any component, device, equipment, system or network that, alone or in conjunction with any other component, device, equipment, system or network, is designed or has the capability to:

- (1) Be programmed; or**

(2) Generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound in a technological format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic, or magnetic or optical technology.

578.605. 1. The attorney general shall have the authority to conduct investigations of technological crimes. The attorney general may use all such powers provided by law in order to conduct such investigations.

2. Upon completing an investigation of a technological crime where the attorney general does not have concurrent original jurisdiction to commence a criminal action to prosecute the offense, the attorney general shall provide the information obtained during the investigation to the appropriate prosecuting attorney.

3. Within thirty days after the prosecuting attorney's receipt of information pursuant to subsection 2 of this section, the prosecuting attorney shall notify the attorney general whether or not the prosecuting attorney intends to commence a prosecution.

568.610. In the course of a criminal investigation of a technological crime, the attorney general may request the circuit judge of any county in which the suspected offense could be prosecuted to issue a subpoena to any witness who may have information for the purpose of oral examination under oath and to require the production of books, papers, records or other material of any evidentiary nature at such time and place as is required under the subpoena.

Section 1. The investigation and enforcement techniques in chapter 407, RSMo, including 407.040, RSMo, may be used to investigate and enforce the provisions of chapter 416, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Bill No. 80, Page 1, In the Title, Line 3, by striking the following: "the law enforcement organization" and inserting in lieu thereof the following: "law enforcement"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after all of said line the following:

"57.010. 1. At the general election to be held in 1948, and at each general election held every four years thereafter, the voters in every county in this state shall elect some suitable person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a felony. Such person shall be a resident taxpayer and elector of said county, shall have resided in said county for more than one whole year next before filing for said office and shall be a person capable of efficient law enforcement. When any person shall be elected sheriff, [he] **such person** shall enter upon the discharge of the duties of [his] **such person's** office **as chief law enforcement officer of that county** on the first day of January next succeeding [his] **said** election.

2. Beginning January 1, 2003, any sheriff who does not hold a valid peace officer license pursuant to chapter 590, RSMo, shall refrain from personally executing any of the police powers of the office of sheriff, including but not limited to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation. Nothing in this section shall prevent any sheriff from administering the execution of police powers through duly commissioned deputy sheriffs. This subsection shall not apply:

(1) During the first twelve months of the first term of office of any sheriff who is eligible to become licensed as a peace officer and who intends to become so licensed within twelve months after taking office; or

(2) To the sheriff of any county of the first classification with a charter form of government with a population

over nine hundred thousand."; and

Further amend said bill, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

"488.5336. 1. A surcharge of two dollars may be assessed as costs in each criminal case involving violations of any county ordinance or a violation of any criminal or traffic laws of the state, including infractions, or violations of municipal ordinances, provided that no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized by the municipal government where the violation occurred. Any such surcharge shall be authorized by the county or municipality and written notice given to the supreme court of such authorization prior to December first of the year preceding the state fiscal year during which such surcharge is to be collected and disbursed in the manner provided by sections 488.010 to 488.020. If imposed by a municipality, such surcharges shall be collected by the clerk of the municipal court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the municipality where the violation occurred in cases of violations of municipal ordinances. If imposed by a county, such surcharges shall be collected and disbursed as provided in sections 488.010 to 488.020. Such surcharges shall be payable to the treasurer of the county where the violation occurred in the case of violations of the general criminal laws of the state or county ordinances. [An additional] **Without regard to whether the aforementioned surcharge is assessed, a** surcharge in the amount of one dollar shall be assessed as provided in this section, and shall be collected and disbursed as provided in sections 488.010 to 488.020 and payable to the state treasury to the credit of the peace officer standards and training commission fund created in section 590.178, RSMo. Such surcharges shall be in addition to the court costs and fees and limits on such court costs and fees established by section 66.110, RSMo, and section 479.260, RSMo.

2. Each county and municipality shall use all funds received under this section only to pay for the training required as provided in sections 590.100 to 590.180, RSMo, or for the training of county coroners and their deputies **provided that any excess funds not allocated to pay for such training may be used to pay for additional training of peace officers or for training of other law enforcement personnel employed or appointed by the county or municipality.** No county or municipality shall retain more than one thousand five hundred dollars of such funds for each certified law enforcement officer, candidate for certification employed by that agency or a coroner and the coroner's deputies. Any excess funds shall be transmitted quarterly to the general revenue fund of the county or municipality treasury which assessed the costs.

590.010. As used in this chapter, the following terms mean:

- (1) "Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;**
- (2) "Director", the director of the Missouri department of public safety or his or her designated agent or representative;**
- (3) "Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;**
- (4) "POST commission", the peace officer standards and training commission;**
- (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours per week.**

590.020. 1. No person shall hold a commission as a peace officer without a valid peace officer license.

2. The director shall establish various classes of peace officer license and may provide that certain classes are not valid for commission within counties of certain classifications, by certain state agencies, or for commission as other than a reserve peace officer with police powers restricted to the commissioning political subdivision.

3. Notwithstanding any other provision of this chapter, no license shall be required:

- (1) Of any person who has no power of arrest;**
- (2) To seek or hold an elected county office, subject to such requirements as chapter 57, RSMo, may impose;**
- (3) To be commissioned pursuant to section 64.335, RSMo, as a park ranger not carrying a firearm;**
- (4) To be commissioned as a peace officer by a political subdivision having less than four full-time paid peace officers or a population less than two thousand, provided that such commission was in effect on the effective date of this section and continually since that date, and provided that this exception shall not apply to any commission within a county of the first class having a charter form of government;**
- (5) Of any reserve officer continually holding the same commission since August 15, 1988; or**
- (6) For any person continually holding any commission as a full-time peace officer since December 31, 1978.**

4. Any political subdivision or law enforcement agency may require its peace officers to meet standards more stringent than those required for licensure pursuant to this chapter.

590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

- (1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; and**
- (2) Maintain a current address of record on file with the director.**

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.

590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

- (1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;**
- (2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;**

- (3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;**
- (4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect; and**
- (5) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.**

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health, the division of family services, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

590.050. 1. The POST commission shall establish requirements for the continuing education of all peace officers. Peace officers who make traffic stops shall be required to receive annual training concerning the prohibition against racial profiling and such training shall promote understanding and respect for racial and cultural differences and the use of effective, non-combative methods for carrying out law enforcement duties in a racially and culturally diverse environment.

2. The director shall license continuing education providers and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision of the director pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. The costs of continuing law enforcement education shall be reimbursed in part by moneys from the peace officer standards and training commission fund created in section 590.178, subject to availability of funds, except that no such funds shall be used for the training of any person not actively commissioned or employed by a county or municipal law enforcement agency.

4. The director may engage in any activity intended to further the professionalism of peace officers through training and education, including the provision of specialized training through the department of public safety.

590.060. 1. The POST commission shall establish minimum standards for training instructors and training centers, and the director shall establish minimum qualifications for admittance into a basic training course.

2. The director shall license training instructors, centers, and curricula, and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. Each person seeking entrance into a basic training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center where such person is seeking entrance. The training center shall cause a criminal history

background check to be made and shall cause the resulting report to be forwarded to the director. The person seeking entrance may be charged a fee for the cost of this procedure.

590.070. 1. The chief executive officer of each law enforcement agency shall, within thirty days after commissioning any peace officer, notify the director on a form to be adopted by the director. The director may require the chief executive officer to conduct a current criminal history background check and to forward the resulting report to the director.

2. The chief executive officer of each law enforcement agency shall, within thirty days after any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify the director on a form to be adopted by the director. Such notice shall state the circumstances surrounding the departure from employment or loss of commission and shall specify any of the following that apply:

- (1)** The officer failed to meet the minimum qualifications for commission as a peace officer;
- (2)** The officer violated municipal, state or federal law;
- (3)** The officer violated the regulations of the law enforcement agency; or
- (4)** The officer was under investigation for violating municipal, state or federal law, or for gross violations of the law enforcement agency regulations.

3. Whenever the chief executive officer of a law enforcement agency has reasonable grounds to believe that any peace officer commissioned by the agency is subject to discipline pursuant to section 590.080, the chief executive officer shall report such knowledge to the director.

590.080. 1. The director shall have cause to discipline any peace officer licensee who:

- (1)** Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;
- (2)** Has committed any criminal offense, whether or not a criminal charge has been filed;
- (3)** Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;
- (4)** Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;
- (5)** Has violated a condition of any order of probation lawfully issued by the director; or
- (6)** Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.

2. When the director has knowledge of cause to discipline a peace officer license pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

3. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's

address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

590.090. 1. The director shall have cause to suspend immediately the peace officer license of any licensee who:

(1) Is under indictment for, is charged with, or has been convicted of the commission of any felony;

(2) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or

(3) Presents a clear and present danger to the public health or safety if commissioned as a peace officer.

2. At any time after the filing of a disciplinary complaint pursuant to section 590.080, if the director determines that probable cause exists to suspend immediately the peace officer license of the subject of the complaint, the director may, without notice or hearing, issue an emergency order suspending such license until final determination of the disciplinary complaint. Such order shall state the probable cause for the suspension and shall be served upon the licensee by certified mail at the licensee's address of record pursuant to subdivision (2) of subsection 3 of section 590.130. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. The director shall also notify the chief executive officer of any law enforcement agency currently commissioning the officer. The director shall have authority to dissolve an emergency order of suspension at any time for any reason.

3. A licensee subject to an emergency order of suspension may petition the administrative hearing commission for review of the director's determination of probable cause, in which case the administrative hearing commission shall within five business days conduct an emergency hearing, render its decision, and issue findings of fact and conclusions of law. Sworn affidavits or depositions shall be admissible on the issue of probable cause and may be held sufficient to establish probable cause. The administrative hearing commission shall have no authority to stay or terminate an emergency order of suspension without a hearing pursuant to this subsection. Findings and conclusions made in determining probable cause for an emergency suspension shall not be binding on any party in any proceeding pursuant to section 590.080.

4. Any party aggrieved by a decision of the administrative hearing commission pursuant to this section may appeal to the circuit court of Cole County as provided in section 536.100, RSMo.

590.100. 1. The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.

2. When the director has knowledge of cause to deny an application pursuant to this section, the director may grant the application subject to probation or may deny the application. The director shall notify the applicant in writing of the reasons for such action and of the right to appeal pursuant to this section.

3. Any applicant aggrieved by a decision of the director pursuant to this section may appeal within thirty days to the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for denial, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for denial or any rehabilitation of the applicant or otherwise impinge upon the discretion of the director to determine whether to grant the

application subject to probation or deny the application when cause exists pursuant to this section. Failure to submit a written request for a hearing to the administrative hearing commission within thirty days after a decision of the director pursuant to this section shall constitute a waiver of the right to appeal such decision.

4. Upon a finding by the administrative hearing commission that cause for denial exists, the director shall not be bound by any prior action on the matter and shall, within thirty days, hold a hearing to determine whether to grant the application subject to probation or deny the application. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

5. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission pursuant to this section and the rights and duties of the parties involved.

[590.100. As used in sections 590.100 to 590.180, the following terms mean:

(1) "Certified training academy", any academy located within the state of Missouri which has been certified by the director to provide training programs for peace officers in this state;

(2) "Chief executive officer", the chief of police, director of public safety, sheriff, department head or chief administrator of any law enforcement or public safety agency of the state or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state or for violation of ordinances of a county or municipality;

(3) "Director", the director of the Missouri department of public safety;

(4) "Peace officer", members of the state highway patrol, all state, county, and municipal law enforcement officers possessing the duty and power of arrest for violation of any criminal laws of the state or for violation of ordinances of counties or municipalities of the state who serve full time, with pay;

(5) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty. In a county of the first class adjoining a city not within a county, reserve peace officers may engage in all nonprimary enforcement activities without being under direct or immediate accompaniment of a certified peace officer.]

[590.101. In any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the definitions contained in section 590.100 shall apply, except that as used in sections 590.100 to 590.180, the following terms shall mean:

(1) "Bailiff", an assigned officer of the court subject to control and supervision and responsible for preserving order and decorum, taking charge of the jury, guarding prisoners, and other services which are reasonably necessary for the proper functioning of the court;

(2) "Nonprimary enforcement activities", activities which include, but are not limited to, traffic control, crowd control, checking abandoned, vacated and temporarily vacated structures, conveyance of motor vehicles, public appearances, and public educational presentations;

(3) "Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search, interrogations or the administration of first aid; and

(4) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under direct and immediate accompaniment of a certified peace officer of the same agency in order to engage in primary enforcement activities.]

[590.105. 1. A program of mandatory standards for the basic training and certification of peace officers and a program of optional standards for the basic training and certification of reserve officers in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours of training and core curriculum. In no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

- (1) One hundred twenty hours as of August 28, 1993;
- (2) Three hundred hours as of August 28, 1994; and
- (3) Four hundred seventy hours as of August 28, 1996.

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

5. Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

6. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect.

7. The peace officers standards and training commission with input from the department of health and the division of family services shall provide a minimum of thirty hours of initial education to all prospective law enforcement officers, except for agents of the conservation commission, concerning domestic and family violence.

8. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection 6 of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated

expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

9. The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

(a) Physical abuse;

(b) Sexual abuse;

(c) Child fatalities;

(d) Child neglect;

(e) Interviewing children and alleged perpetrators;

(2) The nature, extent and causes of domestic and family violence;

(3) The safety of officers investigating incidents of domestic and family violence;

(4) The safety of the victims of domestic and family violence and other family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to rights and compensation of victims of crime, and enforcement of civil and criminal remedies;

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.]

590.110. 1. The director may investigate any cause for the discipline of any license or denial of any application pursuant to this chapter. During the course of such investigation, the director shall have the power to inspect any training center, require by subpoena the attendance and sworn deposition of any witness and the production of any documents, records, or evidence that the director deems relevant. Subpoenas shall be served by a person authorized to serve subpoenas of courts of record. In lieu of the production of any document or record, the director may require that a sworn copy of such document or record be delivered to the director.

2. The director may apply to the circuit court of Cole County or of any county where the person resides or may be found for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. A show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If, after a hearing, the circuit court determines that the subpoena should be enforced, the court shall proceed to enforce the subpoena in the same manner as in a civil case.

[590.110. 1. No person shall be appointed as a peace officer by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of this state, unless he has been certified by the director as provided in sections 590.100 to 590.180, unless he is appointed on a probationary basis, and the hiring agency, within one year after his initial appointment, takes all necessary steps to qualify him for certification by the director. Unless a peace officer is certified within the one-year period after appointment, his appointment shall be terminated and he shall not be eligible for appointment by any other law enforcement agency as a peace officer. Beginning on August 28, 1995, peace officers shall be required to complete

the four hundred fifty hours of training as peace officers and be certified to be eligible for employment.

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any peace or reserve officer not later than thirty days after the date of the appointment and include with such notification a copy of a fingerprint card verified by the Missouri state highway patrol pertaining to the results of a criminal background check of the officer appointed and evidence of the completion of the standards necessary for employment as provided in sections 590.100 to 590.180.

3. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer; however, any person who serves as a reserve officer in any public law enforcement agency which is possessed of the duty and power to enforce the general criminal laws of this state or the ordinances of any political subdivision of this state may, at the option of the political subdivision in which the reserve officer is appointed, participate in the basic training program required under the provisions of sections 590.100 to 590.180, and, upon completion of such training program, shall be certified by the director in the same manner as provided for peace officers.]

[590.112. 1. This section applies to any employees of the sheriff's department of any county of the first classification with a population of two hundred thousand or more inhabitants, who have been certified in a program of training, including but not limited to a training and certification program established pursuant to this chapter.

2. If any person subject to subsection 1 of this section is transferred to a department of public safety or similar agency as a result of the passage of a charter form of government in the county, then notwithstanding the provisions of this chapter, or any local ordinance or order to the contrary, such person's training certification shall remain in effect and shall not lapse, and the training and certification required for the person to be employed by the sheriff's department shall be deemed adequate to be appointed to the department of public safety or similar agency. If such person is thereafter reassigned to the sheriff's department, such person shall be deemed certified for appointment to such position, notwithstanding the provisions of section 590.110, to the contrary; and the chief executive officer as defined in section 590.100, shall not be required to furnish to the director of the department of public safety evidence that such person has satisfactorily completed instruction in a course of training for peace officers.]

[590.115. 1. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a peace officer who has been consistently employed as a full-time peace officer and was appointed before December 31, 1978, whether or not such officer changes his place of employment.

2. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer who was appointed as a reserve officer prior to August 15, 1988. Requirements for certification of such reserve officers may be determined by the commission. A certified reserve officer may transfer from one similar jurisdiction to another as a certified reserve officer without any additional training requirements unless or until the certified reserve officer becomes or attempts to become a full-time peace officer, at which time the individual must satisfy the requirements of this chapter to become a certified full-time police officer, or unless or until the certified reserve officer attempts to become a certified reserve officer in a jurisdiction wherein the basic training requirement is higher than the previous jurisdiction's basic training requirement, at which time the individual must satisfy the higher basic training requirements of the new jurisdiction to become a certified reserve officer.

3. Except as provided in subsections 1, 2 and 4 of this section, in the event that a peace officer claims to have had prior basic training, the chief executive officer shall furnish to the director evidence that the noncertified officer has satisfactorily completed instruction in a course of basic training for peace officers conducted by a law enforcement training academy or institute which is approved by the director as providing basic training equivalent to standards set for jurisdictions within this state. The basic training course satisfactorily completed by the noncertified officer shall meet the minimum basic training requirements of the jurisdiction in which he is appointed or is to be appointed as required under the provisions of sections 590.100 to 590.180.

4. The director may certify a chief executive officer as qualified under sections 590.100 to 590.180, if the person's employer furnishes the director with evidence that the chief executive officer has training or experience equivalent to

the standards set forth in subsection 1, 2, or 3 of this section or is a graduate of the FBI National Academy or its equivalent as determined by the director, or holds a bachelor of science degree in criminal justice or a related field received from an accredited college or university or a doctor of jurisprudence degree received from a college or university approved by the American Bar Association.

5. Peace officers and reserve officers meeting the basic training requirements under sections 590.100 to 590.180 shall be eligible to be certified by the director.

6. Beginning August 28, 1996, the peace officer standards and training commission shall establish a program of continuing law enforcement education and training. Each peace officer or reserve officer subject to the training provisions of sections 590.100 to 590.180 shall participate in continuing law enforcement education to maintain certification. The providers of continuing law enforcement education and training, as well as the contents and subject matter thereof, shall be subject to the approval of the peace officer standards and training commission. The costs of the continuing law enforcement education and training offered by certified providers to persons entitled to receive such education and training shall be reimbursed by moneys from the peace officer standards and training commission fund created in section 590.178. The peace officer standards and training commission shall require by rule that all peace officers or reserve officers, subject to the training provisions herein, contribute, based on standards set by the commission, to the cost of said training.

7. The peace officer standards and training commission may provide by rule for the reciprocal recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government or other states or territories of the United States, and may require such additional training prior to certification as the commission deems necessary.]

[590.117. The department shall provide by administrative rule for the requirements for continuing certification of an inactive or unemployed peace officer during the term of such inactivity or unemployment, provided that the certification of such peace officers shall expire after five consecutive years of such inactivity or unemployment. The cost of any continuing law enforcement education and training required to maintain such certification shall be paid by the inactive or unemployed peace officer.]

590.120. 1. There is hereby established within the department of public safety a "Peace Officer Standards and Training Commission" which shall be composed of nine members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No member of the **POST** commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the **POST** commission shall be police chiefs, three members [of the commission] shall be sheriffs, one member [of the commission] shall represent a state law enforcement agency covered by the provisions of [sections 590.100 to 590.180] **this chapter**, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by [sections 590.100 to 590.180] **this chapter**, or an activity or organization directly related to any profession certified or regulated under [sections 590.100 to 590.180] **this chapter**. Each member of the **POST** Commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by [sections 590.100 to 590.180] **this chapter**. No member of the **POST** commission serving a full term of three years may be reappointed to the **POST** commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the **POST** commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the **POST** commission shall be for three years or until their successors are appointed. The director may remove any member of the **POST** commission for misconduct or neglect of office. Any member of the **POST** commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the **POST**

commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

3. Annually the director shall appoint one of the members as chairperson. The **POST** commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the **POST** commission shall constitute a quorum.

4. No member of the **POST** commission shall receive any compensation for the performance of his official duties.

5. The **POST** commission shall [establish the core curriculum and shall also formulate definitions, rules and regulations for the administration of peace officer standards and training and] guide and advise the director concerning duties [as outlined by sections 590.100 to 590.180. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo] **pursuant to this chapter.**

[590.121. The director shall certify such academies, core curriculum and instruction as necessary to fulfill the purposes of sections 590.100 to 590.180. The certification shall be made by the director on the basis of the experience and educational background of the instructors, the quality and aptness of curriculum, the educational equipment and materials used in the training and the methods and measurements used in such training. The director shall adopt and publish rules pertaining to the establishment of minimum standards for certification pursuant to sections 590.100 to 590.180.]

[590.123. 1. The peace officer standards and training commission may promulgate rules and regulations to effectuate the purposes of this chapter. No rule or portion of a rule promulgated under the authority of this section shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

2. Upon filing any proposed rule with the secretary of state, the commission shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

3. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the commission may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

4. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;
- (5) That the rule is arbitrary and capricious.

5. If the committee disapproves any rule or portion thereof, the commission shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

6. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

7. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

[590.125. The director may:

(1) Publish and distribute to all Missouri law enforcement agencies bulletins, pamphlets, and educational materials relating to training of peace officers;

(2) Provide seminars, in-service training and supervisory training to ensure that officers of all ranks, both appointed and elected, may be offered training in current enforcement and related subjects on a voluntary enrollment basis;

(3) Consult with and cooperate with any law enforcement agency or division of the state government or the federal government for the development of training programs for the fulfillment of specific needs in law enforcement;

(4) Issue or authorize the issuance of, suspend or revoke diplomas, certificates or other appropriate indicia of compliance and qualification to peace officers who complete specialized training courses offered by the department of public safety;

(5) Encourage the further professionalization of peace officers through training and education.]

[590.130. No elected county peace officer or official shall be required to be certified under sections 590.100 to 590.180 to seek or hold such office, but all appointive deputies or assistants of such officer or official who are employed as peace officers, provided that such county has five or more full-time peace officers, shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified under the terms of sections 590.100 to 590.180. Evidence on the question cannot be received in any civil or criminal case.]

[590.131. The chief executive officer of each law enforcement agency shall notify the director of a peace officer's separation from the agency, whether voluntary or involuntary, and shall set forth in detail the facts and reasons for the separation on a form to be provided by the director.]

[590.135. 1. The director or any of his designated representatives may:

(1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;

(2) Issue, suspend or revoke certificates for instructors under the provisions of sections 590.100 to 590.180;

(3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained under the provisions of sections 590.100 to 590.180.

2. The director may refuse to issue, or may suspend or revoke any diploma, certificate or other indicia of compliance and qualification to peace officers or bailiffs issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer for the following:

(1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding

of guilty to a felony charge;

(2) Conviction of a misdemeanor involving moral turpitude;

(3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;

(4) Dependence on or abuse of alcohol or drugs;

(5) Use or possession of, or trafficking in, any illegal substance;

(6) Gross misconduct indicating inability to function as a peace officer;

(7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officers standards and training commission.

3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith and without malice.

5. The director may refuse to certify any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer not meeting the requirements for certification under the provisions of sections 590.100 to 590.180. The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification under the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer.]

[590.150. The provisions of sections 590.100 to 590.180 shall not apply to a political subdivision having a population of less than two thousand persons or which does not have at least four full-time paid peace officers unless such political subdivision is located in a county of the first class having a charter form of government; provided, however, the governing body of the political subdivision may by order or ordinance elect to come under the provisions of sections 590.100 to 590.180 or such election may be later rescinded and, provided further, that upon election to come under the provisions of sections 590.100 to 590.180 the political subdivision shall be entitled to authorize the fees allowed by section 590.140, otherwise, such fees shall not be collected.]

[590.170. 1. The director shall consult with Missouri sheriffs and their professional organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

2. The training program shall consist of at least one hundred twenty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.]

[590.175. 1. Any person who is elected to his first term as sheriff in a general election or in a special election in any county of this state shall, within eighteen months of such election, cause to be filed with the presiding circuit judge of the county and director of the department of public safety proof that he has completed the training program formulated

pursuant to sections 590.170 and 590.175 or some other comparable training program of not less than one hundred twenty hours instruction approved by the director of the department of public safety.

2. Whether any person elected to his first term as sheriff attends such a training program prior to or after assuming the duties of his office shall be left to the discretion of the governing body of the county from which he was elected. During the time that a sheriff-elect is enrolled in such a training program, he shall be hired as a county employee and receive as full compensation from the county from which he was elected, compensation at a rate equal to that of the sheriff of the county. Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in such a training program shall be paid by the state.]

590.180. 1. No arrest shall be deemed unlawful solely because of the licensure status of a peace officer, and evidence on the question cannot be received in any civil or criminal case.

2. The name, licensure status, and commissioning or employing law enforcement agency, if any, of applicants and licensees pursuant to this chapter shall be an open record. All other records retained by the director pertaining to any applicant or licensee shall be confidential and shall not be disclosed to the public or any member of the public, except with written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of voluntary interstate exchange of information, during the course of litigation involving the director, to other state agencies, or, upon a final determination of cause to discipline, to law enforcement agencies. No closed record conveyed to the director pursuant to this chapter shall lose its status as a closed record solely because it is retained by the director. Nothing in this section shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege.

3. In any investigation, hearing, or other proceeding pursuant to this chapter, any record relating to any applicant or licensee shall be discoverable by the director and shall be admissible into evidence, regardless of any statutory or common law privilege or the status of any record as open or closed, including records in criminal cases whether or not a sentence has been imposed. No person or entity shall withhold records or testimony bearing upon the fitness to be commissioned as a peace officer of any applicant or licensee on the ground of any privilege involving the applicant or licensee, with the exception of attorney-client privilege.

4. Any person or entity submitting information to the director pursuant to this chapter and doing so in good faith and without negligence shall be immune from all criminal and civil liability arising from the submission of such information and no cause of action of any nature shall arise against such person.

5. No person shall make any unauthorized use of any testing materials or certification examination administered pursuant to subsection 2 of section 590.030.

[590.180. 1. Any person who purposely violates any of the provisions of section 590.110, 590.115 or 590.175 is guilty of a class B misdemeanor.

2. Any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 or who is otherwise in violation of any provision of sections 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety or criminal justice purposes.]

590.190. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

590.195. 1. A person commits a class B misdemeanor if, in violation of this chapter, such person knowingly:

(1) Holds a commission as a peace officer without a peace officer license valid for such commission; or

(2) Grants or continues the commission of a peace officer not validly licensed for such commission.

2. Any person who purposely violates any other provision of this chapter shall be guilty of a class B misdemeanor.

3. Any law enforcement agency that commissions a peace officer in violation of this chapter or that is otherwise in violation of any provision of this chapter shall not be eligible to receive state or federal funds that would otherwise be paid to it for the purpose of training and licensing peace officers or for any other law enforcement, safety, or criminal justice purpose.

590.650. 1. As used in this section "minority group" means individuals of African, Hispanic, Native American or Asian descent.

2. Each time a peace officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, that officer shall report the following information to the law enforcement agency that employs the officer:

(1) The age, gender and race or minority group of the individual stopped;

(2) The traffic violation or violations alleged to have been committed that led to the stop;

(3) Whether a search was conducted as a result of the stop;

(4) If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the person was searched, whether the person's property was searched, and the duration of the search;

(5) Whether any contraband was discovered in the course of the search and the type of any contraband discovered;

(6) Whether any warning or citation was issued as a result of the stop;

(7) If a warning or citation was issued, the violation charged or warning provided;

(8) Whether an arrest was made as a result of either the stop or the search;

(9) If an arrest was made, the crime charged; and

(10) The location of the stop.

Such information may be reported using a format determined by the department of public safety which uses existing citation and report forms.

3. (1) Each law enforcement agency shall compile the data described in subsection 2 of this section for the calendar year into a report to the attorney general.

(2) Each law enforcement agency shall submit the report to the attorney general no later than March first of the following calendar year.

(3) The attorney general shall determine the format that all law enforcement agencies shall use to submit the report.

4. (1) The attorney general shall analyze the annual reports of law enforcement agencies required by this section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

(2) The report of the attorney general shall include at least the following information for each agency:

- (a) The total number of vehicles stopped by peace officers during the previous calendar year;
- (b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;
- (c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and
- (d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of this section.

5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

(1) Prohibits the practice of routinely stopping members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law;

(2) Provides for periodic reviews by the law enforcement agency of the annual report of the attorney general required by subsection 4 of this section that:

(a) Determine whether any peace officers of the law enforcement agency have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency; and

(b) If the review reveals a pattern, require an investigation to determine whether any peace officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law; **and**

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review[; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling].

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by inserting after all of said line the following:

"570.320. 1. No person shall operate a website on the Internet that causes another person's computer to dial a long distance telephone number without that other person's knowledge.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor unless the long distance charges exceed one hundred fifty dollars, in which case the person is guilty of a class C felony."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 14:**

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Bill No. 80, Page 14, Section 70.833, Line 35, by adding after the end of said line the following:

"544.170. 1. Except as provided in subsection 2 of this section, all persons arrested and confined in any jail[, calaboose] or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense[; and every such person shall, while so confined, be permitted at all reasonable hours during the day to consult with counsel or other persons in his behalf; and any person or officer who shall violate the provisions of this section, by refusing to release any person who shall be entitled to such release, or by refusing to permit him to see and consult with counsel or other persons, or who shall transfer any such prisoner to the custody or control of another, or to another place, or prefer against such person a false charge, with intent to avoid the provisions of this section, shall be deemed guilty of a misdemeanor].

2. Upon a determination by the commanding officer, or the delegate thereof, of the law enforcement agency making such an arrest, a person arrested for any of the following offenses without warrant or other process of law, shall be released from custody within thirty-two hours of arrest, unless the person is charged and held pursuant to a warrant to answer for such offense:

- (1) First degree murder pursuant to section 565.020, RSMo;**
- (2) Second degree murder pursuant to section 565.021, RSMo;**
- (3) First degree assault pursuant to section 565.050, RSMo;**
- (4) Forcible rape pursuant to section 566.030, RSMo;**
- (5) Forcible sodomy pursuant to section 566.060, RSMo;**
- (6) First degree robbery pursuant to section 659.020, RSMo; or**
- (7) Distribution of drugs pursuant to section 195.211, RSMo.**

3. In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.

4. Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor."; and

Further amend said bill, by amending the titling and enacting clauses accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Kenney moved that **SCS** for **HB 80**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **HB 80**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
NAYS--Senator Bentley--1			
Absent--Senators			
Foster	Jacob	Klarich--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

Senator Klindt moved that **HS** for **HCS** for **HB 1000**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Gibbons moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Russell, Sims, Singleton and Stoll.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Gibbons	Gross	Kenney	Klarich
Loudon	Rohrbach	Sims	Yeckel--8
NAYS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	House	Jacob	Johnson
Kinder	Klindt	Quick	Russell
Scott	Singleton	Staples	Stelman
Stoll	Westfall	Wiggins--23	
Absent--Senators			
Mathewson	Schneider--2		
Absent with leave--Senator Carter--1			

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1000, Page 48, Section 128.415, Line 57, by striking all of said line; and

Further amend said bill, Page 60, Section 128.415, Line 494, by inserting after all of said line the following:

"BLK: 604006086"; and

Further amend said bill, Page 79, Section 128.430, Line 37, by striking all of said line; and

Further amend said bill, Page 93, Section 128.440, line 16, by inserting after all of said line the following:

"BLK: 506001993".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SCS** for **HS** for **HCS** for **HB 1000**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HS** for **HCS** for **HB 1000**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Stelman	Stoll	Westfall	Wiggins--28
NAYS--Senators			
Gibbons	Klarich	Loudon	Sims
Yeckel--5			
Absent--Senators--None			

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

At the request of Senator Stoll, **HCS** for **HB 50**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Steelman, **HB 501**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kinder, **HB 249**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HBs 237, 270, 403 and 442**, with **SCA 1**, was placed on the Informal Calendar.

At the request of Senator Singleton, **HB 821** was placed on the Informal Calendar.

On motion of Senator Kenney, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

PRIVILEGED MOTIONS

The conference committee report on **HCS** for **SS** for **SB 193**, as amended, was again taken up.

Senator Rohrbach moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Steelman	Stoll
Westfall	Wiggins--26		

NAYS--Senator Singleton--1

Absent--Senators

Bentley	Jacob	Johnson	Loudon
Staples	Yeckel--6		

Absent with leave--Senator Carter--1

Senator Klarich assumed the Chair.

On motion of Senator Rohrbach, **HCS** for **SS** for **SB 193**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Staples	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators

Bentley Singleton--2

Absent--Senators

Gross	Jacob	Schneider	Steelman--4
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Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HB 1000**, as amended, and has taken up and passed **SCS** for **HS** for **HCS** for **HB 1000**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 369**, as amended. Representatives: O'Connor, Mays, O'Toole, Burton and Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 48**, entitled:

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930, 210.936 and 630.170, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the family care safety registry, with penalty provisions.

With House Substitute Amendment No. 2 for House Amendment No. 1, House Amendments Nos. 2, 3, 4, 5 and 6.

HOUSE SUBSTITUTE AMENDMENT NO. 2

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 14, Section 630.170, Line 24, by inserting immediately after said line the following:

"Section 1. 1. In order to establish consistent and reliable guidelines for judicial review of certain court determinations, there is hereby created within the office of the governor a "Child Abuse, Custody and Neglect Commission" which shall evaluate the laws and rules relating to child abuse, neglect, child custody and visitation and termination of parental rights and shall make recommendations on further action or legislative remedies, if any, to be taken as necessary. The commission shall review and recommend standardized guidelines for judicial review of what constitutes the best interest of the child.

2. The child abuse, custody and neglect commission shall be composed of twelve members to be appointed by the governor, including a county prosecutor, a law enforcement officer, a juvenile officer, a certified guardian ad litem, a juvenile court judge, a member of the clergy, a psychologist, a pediatrician, an educator, the chairman of the children's services commission, a division of family services designee, and one citizen of the state of Missouri, chosen to reflect the racial composition of the state, to serve four-year terms and of the members first appointed, four shall serve for a term of two years, four shall serve for a term of three years, and four shall serve for a term of four years.

3. The commission shall make its first report to the governor and the general assembly by February 1, 2002, and any subsequent reports shall be made to the governor, the chief justice of the supreme court and the general assembly as necessary.

4. All members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the commission.

5. The office of the governor shall provide funding, administrative support, and staff for the effective operation of the commission.

6. This section shall expire on August 28, 2004."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 11, Section 210.922, Line 11, by deleting all of said section and adding in lieu thereof a new section as follows:

"210.928. The department may use the registry information to determine the qualifications of licensed providers pursuant to this chapter and chapters 190, 195, 197, 198 and 660 RSMo. The department may not license, without specific statutory authority, any unlicensed person, corporation, or association who provides in home services under contract with the division of aging or its successor agency."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 1, Section 210.900, Line 16, by inserting before all of said line the following:

"210.001. 1. The department of social services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the division of family services and to their families-in-conflict by:

(1) Serving children and families as a unit in the least restrictive setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;

(2) Insuring that appropriate social services are provided to the family unit both prior to the removal of the child from the home and after family reunification;

(3) Developing and implementing preventive and early intervention social services which have demonstrated the

ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.

2. The department of social services shall fund only regional child assessment centers known as:

- (1) The St. Louis City child assessment center;
- (2) The St. Louis County child assessment center;
- (3) The Jackson County child assessment center;
- (4) The Buchanan County child assessment center;
- (5) The Greene County child assessment center;
- (6) The Boone County child assessment center;
- (7) The Joplin child assessment center;
- (8) The St. Charles County child assessment center;
- (9) The Jefferson County child assessment center; [and]
- (10) The Pettis County child assessment center;
- (11) The southeast Missouri network against sexual violence; and**
- (12) The lakes area child advocacy center."; and**

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 6, Section 210.906, Line 8, by inserting after the period on said line the following: "**The department's good cause exemption for employers shall include but not be limited to hospitals who have conducted a background check on the elder-care worker pursuant to the requirements of section 660.317, RSMo.**".

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, by inserting in the appropriate location the following section:

"453.073. 1. The division of family services is authorized to grant a subsidy to a child in one of the forms of allotment defined in section 453.065. Determination of the amount of monetary need is to be made by the division at the time of placement, if practicable, and in reference to the needs of the child, including consideration of the physical and mental condition, **and** age and [racial and ethnic background] of the child in each case; provided, however, that the subsidy amount shall not exceed the expenses of foster care and medical care for foster children paid under the homeless, dependent and neglected foster care program.

2. The subsidy shall be paid for children who have been in the care and custody of the division of family services under the homeless, dependent and neglected foster care program. In the case of a child who has been in the care and custody of a private child-caring or child-placing agency or in the care and custody of the division of youth services or the department of mental health, a subsidy shall be available from the division of family services subsidy program in the same manner and under the same circumstances and conditions as provided for a child who has been in the care and custody of the division of family services.

3. Within thirty days after the authorization for the grant of a subsidy by the division of family services, a written agreement shall be entered into by the division and the parents. The agreement shall set forth the following terms and conditions:

- (1) The type of allotment;
- (2) The amount of assistance payments;
- (3) The services to be provided;
- (4) The time period for which the subsidy is granted, if that period is reasonably ascertainable;
- (5) The obligation of the parents to inform the division when they are no longer providing support to the child or when events affect the subsidy eligibility of the child;
- (6) The eligibility of the child for Medicaid.

[4. In the case that the subsidized family moves from the state of Missouri, the granted subsidy shall remain in force as stipulated in the allotment agreement, as long as the adopting family follows the established requirements and, provided further, that a subsidized family which has moved its residence from the state of Missouri shall, as a condition for the continuance of the granted subsidy, submit to the division of family services by the thirtieth day of June of each year, on a form to be provided by such division, a statement of the amounts paid for expenses for the care and maintenance of the adopted child in the preceding year. If the subsidized family fails to submit such form by the thirtieth day of June of any year, payments under the provisions of sections 453.065 to 453.074 to a family which has moved its residence from the state of Missouri shall cease.]" ; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, Page 14, Section 630.170, Line 24, by inserting immediately after all of said line the following:

"630.405. 1. The department may purchase services for patients, residents or clients from private and public vendors in this state with funds appropriated for this purpose.

2. Services that may be purchased may include prevention, diagnosis, evaluation, treatment, habilitation, rehabilitation, transportation and other special services for persons affected by mental disorders, mental illness, mental retardation, developmental disabilities or alcohol or drug abuse.

3. The commissioner of administration, in consultation with the director, shall promulgate rules establishing procedures consistent with the usual state purchasing procedures [under] **pursuant to** chapter 34, RSMo, for the purchase of services [under] **pursuant to** this section. The commissioner may authorize the department to purchase any technical service which, in his judgment, can best be purchased direct [under] **pursuant to** chapter 34, RSMo. The commissioner shall cooperate with the department to purchase timely services appropriate to the needs of the patients, residents or clients of the department.

4. The commissioner of administration may promulgate rules authorizing the department to review, suspend, terminate, or otherwise take remedial measures with respect to contracts with vendors as defined in subsection one of this section that fail to comply with the requirements of Section 210.906 RSMo.

5. The commissioner of administration may promulgate rules for a waiver of chapter 34, RSMo, bidding procedures for the purchase of services for patients, residents and clients with funds appropriated for that purpose if, in the commissioner's judgement, such services can best be purchased directly by the department.

6. No rule or portion of a rule promulgated [under] **pursuant to** the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024], **chapter 536**, RSMo,"; and

Further amend the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 369**, as amended: Senators Steelman, Stoll, Scott, Klarich and Klindt.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 236**, as amended: Senators Sims, Bentley, Steelman, Johnson and Mathewson.

CONFERENCE COMMITTEE REPORTS

The conference committee report on **HCS** for **SB 319**, as amended, was again taken up.

Senator Bland moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Stelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senator Carter--1			

On motion of Senator Bland, **CCS** for **HCS** for **SB 319**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 319

An Act to repeal sections 160.518, 167.640 and 167.645, RSMo 2000, and to enact in lieu thereof four new sections relating to assessment of students, with an emergency clause.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Bentley--1		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Loudon	Mathewson--2		
	Absent with leave--Senator Carter--1		

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 835, 90, 707, 373, 641, 510, 516** and **572**, with **SCS**; and **HCS** for **HB 279**, begs leave to report that it has considered the same and recommends that the bills do pass.

PRIVILEGED MOTIONS

Senator Bland moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 266**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Klindt moved that **SB 586**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Klindt offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 586, Page 16, Section 128.400, Line 520, by inserting after all of said line the following:

"ST. LOUIS City".

Senator Klindt moved that the above amendment be adopted, which motion prevailed.

Senator Klindt moved that **SCS** for **SB 586**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 586**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

Senator Foster moved that **HB 662**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Maxwell assumed the Chair.

SA 2 was again taken up.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 662, Page 1, Section 436.303, Line 3, by changing the word "five" on said line to the word "ten".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 662, Page 1, Section A, Line 3, by inserting after all of said line the following:

"8.1000. As used in sections 8.1000 to 8.1027, the following terms shall mean:

- (1) "Design-build", a project for which the design and construction services are furnished under one contract;**
- (2) "Design-build contract", a contract between the division and a design-builder, to furnish the architecture or engineering and related design services required for a given public construction project and to furnish the labor, materials and other construction services for the same public project;**
- (3) "Design-builder", any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether itself or through**

subcontracts;

(4) "Design criteria consultant", a person, corporation, partnership or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to chapter 327, RSMo, and who is employed by contract to the division to provide professional design and administrative services in connection with the preparation of the design criteria package;

(5) "Design criteria package", performance-oriented specifications for the public construction project sufficient to permit a design-builder to prepare a response to the division's request for proposals for a design-build project;

(6) "Director", the director of the division of design and construction;

(7) "Division", the state office of administration, division of design and construction;

(8) "Evaluation team", a group of people selected by the director to evaluate the proposals of the design-builders. The team shall consist of at least two representatives of the division of design and construction and two representatives of the using agency. A fifth member shall be selected by the director and shall serve as chairman to facilitate the evaluation process and to vote only in case of a tie;

(9) "Proposal", an offer to enter into a design-build contract;

(10) "Request for proposals", the document by which the division solicits proposals for a design-build contract;

(11) "Stipend", an amount paid to the unsuccessful proposers to defray the cost of submission of phase II of the design build proposal.

8.1003. 1. Notwithstanding any other provision of the law, the division of design and construction is hereby authorized to institute a pilot program whereby the design-build procurement process may be utilized on a limited number of public projects as set out below for the purpose of demonstrating the benefits of the design-build process in the public sector. This authorization for design-build procurement shall be for the sole and exclusive use of the division of design and construction.

2. The maximum number of projects to be procured on a design-build basis during the course of this pilot program shall be no more than four projects each with an estimated cost of five million dollars or less and no more than four projects each with an estimated cost of more than five million dollars.

3. The director of design and construction shall select those projects for which the use of the design-build procurement process is appropriate. In making that determination, the director shall consider:

(1) The likelihood that the design-build method of procurement will serve the public interest by providing substantial savings of time or money over the traditional design-bid-build delivery process;

(2) The time available to complete the project and meet the needs of the end user and any need to expedite the delivery process;

(3) The type of project and its suitability to the design-build process;

(4) The size of the project;

(5) The level of agency knowledge and confidence about the project scope and definition;

(6) The availability of using agency staff to manage the project;

(7) The availability of the division of design and construction staff to manage the project.

4. The director of design and construction shall present progress reports on any ongoing design-build projects to the general assembly at each regular session during the course of the pilot program. In addition, the director shall present a final detailed report of all completed design-build projects to the general assembly completed each year during the pilot program. Such final reports shall contain an assessment of the advantages and disadvantages of the design-build process relative to the traditional design-bid-build procurement process on such completed projects.

8.1006. The division may adopt regulations pursuant to chapter 536, RSMo, for the conduct of the design-build process.

8.1009. 1. The director shall determine the scope and level of detail required to permit qualified persons to submit proposals in accordance with the request for proposals given the nature of the project.

2. A design criteria consultant may be employed or retained by the division to assist in preparation of the request for proposal, perform periodic site visits, prepare progress reports, review and approve progress and final pay applications of the design-builder, review shop drawings and submittals, decide disputes, interpret the construction documents, perform inspections upon substantial and final completion, assist in warranty inspections and to provide any other professional service where the director deems it to be in the public interest to have an independent design professional assisting with the project administration. The consultant shall be selected and its contract negotiated in compliance with sections 8.285 to 8.291.

8.1012. 1. Notice of requests for proposals shall be advertised in accordance with section 8.250. The division shall publish a notice of a request for proposal with a description of the project, the rationale for the decision to use the design-build method of procurement, the procedures for submittal and the selection criteria to be used.

2. The director shall establish in the request for proposal a time, place and other specific instructions for the receipt of proposals. Proposals not submitted in strict accordance with those instructions shall be subject to rejection.

3. A request for proposals shall be prepared for each design-build contract containing at minimum the following elements:

(1) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight and the procedures for making awards;

(2) The proposed terms and conditions for the design-build contract;

(3) The design criteria package;

(4) A description of the drawings, specifications or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications or other information that will be acceptable;

(5) A schedule for planned commencement and completion of the design-build contract;

(6) Budget limits for the design-build contract, if any;

(7) Affirmative action and minority or women business enterprise requirements for the design-build contract, if any;

(8) Requirements including any available ratings for performance bonds, payment bonds and insurance; and

(9) Any other information that the division in its discretion chooses to supply, including without limitation, surveys, soil reports, drawings of existing structures, environmental studies, photographs or references to public records.

4. The director shall solicit proposals in a three-stage process. Phase I shall be the solicitation of qualifications of the design-build team. Phase II shall be the solicitation of a technical proposal including conceptual design for the project, and phase III shall be the proposal of the construction cost.

5. The evaluation team shall review the submittals of the proposers and assign points to each proposal in accordance with sections 8.1000 to 8.1027 and section 327.395, RSMo, and as set out in the instructions of the request for proposal.

8.1015. 1. Phase I shall require all pro-posers to submit a statement of qualifications which shall include, but not be limited to:

- (1) Demonstrated ability to perform projects comparable in design, scope and complexity;**
- (2) References of owners for whom design-build projects have been performed;**
- (3) Qualifications of personnel who will manage the design and construction aspects of the project;**
- (4) The names and qualifications of the primary design consultants and contractors with whom the design-builder proposes to subcontract. The design-builder may not replace an identified subcontractor or subconsultant without the written approval of the director.**

2. The evaluation team shall evaluate the qualifications of all proposers in accordance with the instructions of the request for proposal. Designers on the project shall be evaluated in accordance with the requirements of section 8.285 to 8.291. Qualified proposers selected by the evaluation team may proceed to phase II of the selection process. Proposers lacking the necessary qualifications to perform the work shall be disqualified and shall not proceed to phase II of the process. Under no circumstances shall price or fee be a part of the prequalification criteria. Points assigned in the phase I evaluation process shall not carry forward to phase II of the process. All qualified proposers shall be ranked on points given in phases II and III only.

3. The director shall have discretion to disqualify any proposer, which in the director's opinion lacks the minimal qualifications required to perform the work.

4. Once a sufficient number of qualified proposers have been selected, the proposers shall have a specified amount of time with which to assemble phase II and phase III proposals.

8.1018. Phase II of the process shall be conducted as follows:

- (1) The director shall invite the top five qualified proposers to participate in phase II of the process. If there are not five qualified proposers, then all qualified proposers will be invited to submit phase II. If three qualified proposers cannot be identified, the contracting process will cease;**
- (2) Proposers must submit their design for the project, to the level of detail required in the request for proposal. The design proposal should demonstrate compliance with the requirements set out in the request for proposal;**
- (3) The schedule for completing a project as designed by a proposer may be considered as an element of evaluation in phase II;**
- (4) Up to twenty percent of the points awarded to each proposer in phase II may be based on each proposers' qualifications and ability to design, construct and deliver the project on time and within budget;**
- (5) Under no circumstances should the design proposal contain any reference to the cost of the proposal;**
- (6) The design submittals will be evaluated and assigned points in accordance with the requirements of the request for proposal. Phase II shall account for no more than fifty percent of the total point score as specified**

in the request for proposal.

8.1021. Phase III shall be conducted as follows:

- (1) The phase III proposal must provide a firm, fixed cost of construction. The proposal must be accompanied by bid security and any other required submittals, such as statements of minority participation as required by the request for proposal;**
- (2) Cost proposals must be submitted in accordance with the instructions of the request for proposal. Failure to submit a cost proposal on time shall be cause to reject the proposal. Phase III shall account for not less than fifty percent of the total point score as specified in the request for proposal;**
- (3) Proposals for phase II and phase III shall be submitted concurrently at the time and place specified in the request for proposal. The phase III cost proposals shall be opened only after the phase II design proposals have been evaluated and assigned points;**
- (4) Cost proposals will be opened and read aloud at the time and place specified in the request for proposal. At the same time and place, the evaluation team will make public its scoring of phase II. Cost proposals will be evaluated in accordance with the requirements of the request for proposal. In evaluating the cost proposals, the low bidder shall be awarded the total number of points assigned to be awarded in phase III. For all other bidders, cost points will be calculated by reducing the maximum points available in phase III by two percent or more for each percentage point of the low bid by which the bidder exceeds the low bid and the points assigned will be added to the points assigned for phase II for each proposer;**
- (5) The responsive proposer with the highest total number of points will be awarded the contract. If the director determines, however, that it is not in the best interest of the state to proceed with the project pursuant to the proposal offered by the proposer with the highest total number of points, the director shall reject all proposals. In such event, all qualified proposers with lower point totals shall receive a stipend pursuant to section 8.1024 and the proposer with the highest total number of points shall receive an amount equal to two times such stipend;**
- (6) If all proposals are rejected, the director may solicit new proposals using different design criteria, budget constraints or qualifications.**

8.1024. As an inducement to qualified proposers, the division shall pay a reasonable stipend, the amount of which shall be established in the request for proposal, to each prequalified design-builder whose proposal is responsive but not accepted. Upon payment of the stipend to any unsuccessful design-build proposer, the state shall acquire a nonexclusive right to use the design submitted by the proposer, and the proposer shall have no further liability for its use by the state in any manner. If the design-build proposer desires to retain all rights and interest in the design proposed, the proposer shall forfeit the stipend.

8.1027. Any person or corporation that enters into a design-build contract with the division of design and construction does not violate the requirements of chapter 327, RSMo, so long as the architectural, engineering or land surveying services to be performed under the contract are performed by:

- (1) Persons who are duly licensed in this state and who are employees of the design-build contractor which holds a certificate of authority from the board of registration; or**
- (2) Persons who are duly licensed in this state and who are under contract to the design-build contractor; or**
- (3) Corporations that hold current certificates of authority from the board for the appropriate profession which are under contract to the design-build contractor.**

227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state highways and transportation

commission is authorized to enter into one interstate national highway design-build pilot project contract within ten years of the effective date of this section. Authority for design-build authorized by this section shall expire upon completion of the project selected, unless reauthorized by law.

2. For the purpose of this section a "design-builder" is defined as an individual, corporation, partnership, joint venture or other entity, including combinations of such entities making a proposal to perform or performing a design-build highway project contract.

3. For the purpose of this section, "design-build highway project contract" is defined as the procurement of all materials and services necessary for the design, construction, reconstruction or improvement of a state highway project in a single contract with a design-builder capable of providing the necessary materials and services.

4. For the purpose of this section, "highway project" is defined as the design, construction, reconstruction or improvement of highways or bridges under contract with the state highways and transportation commission, which is funded by state, federal or local funds or any combination of such funds.

5. In using a design-build highway project contract, the commission shall establish a written procedure by rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the project.

6. In any design-build highway project contract, whether involving state or federal funds, the commission shall require that each person submitting a request for qualifications provide a detailed disadvantaged business enterprise participation plan. The plan shall provide information describing the experience of the person in meeting disadvantaged business enterprise participation goals, how the person will meet the department of transportation's disadvantaged business enterprise participation goal and such other qualifications that the commission considers to be in the best interest of the state.

7. The commission is authorized to issue a request for proposals to a maximum of five design-builders prequalified in accordance with subsection 5 of this section.

8. The commission may require approval of any person performing subcontract work on the design-build highway project.

9. The bid bond and performance bond requirements of section 227.100 and the payment bond requirements of section 107.170, RSMo, shall apply to the design-build highway project.

10. The commission is authorized to prescribe the form of the contracts for the work.

11. The commission is empowered to make all final decisions concerning the performance of the work under the design-build highway project contract, including claims for additional time and compensation.

12. The provisions of sections 8.285 to 8.291, RSMo, shall not apply to the procurement of architectural, engineering or land surveying services for the design-build highway project, except that any person providing architectural, engineering or land surveying services for the design-builder on the design-build highway project must be licensed in Missouri to provide such services.

13. The commission shall pay a reasonable stipend to prequalified responsive design-builders who submit a proposal, but are not awarded the design-build highway project. The design shall become the property of the department of transportation.

14. The commission shall comply with the provisions of any act of congress or any regulations of any federal administrative agency which provides and authorizes the use of federal funds for highway projects using the design-build process.

15. The commission shall promulgate administrative rules to implement this section or to secure federal funds. Such rules shall be published for comment in the Missouri Register and shall include prequalification criteria,

the make-up of the prequalification review team, specifications for the design criteria package, the method of advertising, receiving and evaluating proposals from design-builders, the criteria for awarding the design-build highway project based on the design criteria package and a separate proposal stating the cost of construction, and other methods, procedures and criteria necessary to administer this section.

16. The commission shall make a status report to the members of the general assembly and the governor following the award of the design-build project, as an individual component of the annual report submitted by the commission to the Joint Transportation Oversight Committee in accordance with the provisions of section 21.795, RSMo. The annual report prior to advertisement of the design-build highway project contract shall state the goals of the project in reducing costs and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of completion of the project were met.

17. The commission shall give public notice of a request for qualifications in at least two public newspapers that are distributed wholly or in part in this state and at least one construction industry trade publication that is distributed nationally.

18. The commission shall publish its cost estimates of the design-build highway project award and the project completion date along with its public notice of a request for qualifications of the design-build project.

19. If the commission fails to receive at least two responsive submissions from design-builders considered qualified, submissions shall not be opened and it shall readvertise the project.

20. The provisions of this section shall be applicable to one interstate national pilot highway project which shall be selected by the commission and shall have a total maximum annual expenditure of one hundred twenty-five million dollars for the life of the design-build project."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Foster raised the point of order that **SA 4** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Foster moved that **SCS** for **HB 662**, as amended, be adopted, which motion prevailed.

Senator Foster moved that **SCS** for **HB 662**, as amended, be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

YEAS--Senators			
Caskey	Childers	Dougherty	Foster
Gibbons	Goode	Johnson	Kenney
Klarich	Klindt	Loudon	Russell
Stoll	Westfall	Yeckel--15	

NAYS--Senators

Bland	Cauthorn	DePasco	Gross
House	Kinder	Mathewson	Rohrbach
Sims	Singleton	Steelman	Wiggins--12
Absent--Senators			
Bentley	Jacob	Quick	Schneider
Scott	Staples--6		
Absent with leave--Senator Carter--1			

PRIVILEGED MOTIONS

Senator Steelman moved that **SCS** for **SB 374**, with **HS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SCS** for **SB 374**, entitled:

HOUSE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 374

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to emissions banking and trading.

Was taken up.

Senator Steelman moved that **HS** for **SCS** for **SB 374** be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Russell	Staples--2
Absent with leave--Senator Carter--1	

On motion of Senator Steelman, **HS** for **SCS** for **SB 374** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman

Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator DePasco--1		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Having voted on the prevailing side, Senator Singleton moved that the vote by which **SCS** for **HB 662**, as amended, failed on 3rd reading and final passage, be reconsidered, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Childers	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Scott
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--26		
	NAYS--Senators		
Bland	Cauthorn	House	Rohrbach--4
	Absent--Senators		
DePasco	Sims	Staples--3	
	Absent with leave--Senator Carter--1		

At the request of Senator Foster, **SCS** for **HB 662**, as amended, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 586**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

Senator Klindt requested unanimous consent of the Senate to suspend Senate Rule 52 and take **SCS** for **SB 586** up for 3rd reading and final passage, which request was granted.

SCS for **SB 586**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 586

An Act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional districts.

Was taken up.

On motion of Senator Klindt, **SCS** for **SB 586** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Westfall
Yeckel--21			

NAYS--Senators

Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Quick	Stoll	Wiggins--11	

Absent--Senator Schneider--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Sims moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Sims moved that the Senate refuse to concur in **HS** for **SCS** for **SB 393**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator Caskey, **HS** for **HCS** for **HBs 835, 90, 707, 373, 641, 510, 516** and **572**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 279** was placed on the Informal Calendar.

Senator Sims moved that **HB 949**, with **SCS**, **SS** for **SCS** and **SA 7** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 7 was again taken up.

At the request of Senator Caskey, the above amendment was withdrawn.

At the request of Senator Sims, **SS** for **SCS** for **HB 949**, as amended, was withdrawn.

Senator Sims offered **SS No. 2** for **SCS** for **HB 949**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 949

An Act to repeal sections 197.285, 197.300, 197.305, 197.310, 197.311, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, 197.367 and 198.531, RSMo 2000, relating to health care, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions and a termination date for certain sections.

Senator Sims moved that **SS No. 2** for **SCS** for **HB 949** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 949, Page 13, Section 197.374(5), Line 11, by inserting after the words "Science sanitoriums;" the following:

"and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to section 501(c)(3) of the federal Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or fewer."

Senator Caskey moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SS No. 2** for **SCS** for **HB 949** is out of order as **SS No. 2** goes beyond the scope and purpose of the underlying bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **HB 949**, with **SCS**, **SS No. 2** for **SCS** and **SA 1** (pending), on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Wiggins moved that **SCS** for **SB 290**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SCS** for **SB 290**, as amended, entitled:

HOUSE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 290

An Act to repeal sections 56.807, 56.816, 86.200, 86.207, 86.213, 86.233, 86.237, 86.250, 86.251, 86.252, 86.253, 86.256, 86.257, 86.260, 86.263, 86.267, 86.288, 86.290, 86.292, 86.300, 86.320, 86.340, 86.353, 86.360, 86.365, 86.370, 86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620, 86.675, 86.690, 86.750, 86.780, 87.120, 87.130, 87.135, 87.170, 87.185, 87.205, 87.215, 87.237, 87.240, 87.288, 87.310 and 87.371, RSMo 2000, relating to certain relief and pension systems, and to enact in lieu thereof fifty new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **HS** for **SCS** for **SB 290**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
NAYS--Senators--None			
Absent--Senators			
Bland	Foster	Schneider--3	
Absent with leave--Senator Carter--1			

On motion of Senator Wiggins, **HS** for **SCS** for **SB 290**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Stoll--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HCS for **HB 279**, entitled:

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to supplemental newborn screening.

Was called from the Informal Calendar and taken up by Senator Stoll.

On motion of Senator Stoll, **HCS** for **HB 279** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		
NAYS--Senators--None			
Absent--Senators			
Bland	DePasco	Yeckel--3	
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Stoll, title to the bill was agreed to.

Senator Stoll moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 821, introduced by Representative Hosmer, entitled:

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to a University of Missouri program to assist organ transplant patients.

Was called from the Informal Calendar and taken up by Senator Singleton.

On motion of Senator Singleton, **HB 821** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Westfall	Wiggins--27	
NAYS--Senators--None			
Absent--Senators			
Bland	DePasco	Kinder	Klarich
Stoll	Yeckel--6		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HB 471, with **SCS**, introduced by Representative Jolly, et al, entitled:

An Act to repeal sections 195.222 and 195.223, RSMo 2000, relating to drug trafficking, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Wiggins.

SCS for **HB 471**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 471

An Act to repeal sections 195.017, 195.070, 195.222, 195.223 and 195.400, RSMo 2000, and to enact in lieu thereof five new sections relating to drug trafficking, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 471** be adopted.

Senator Wiggins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting after all of said line the following:

"478.009. 1. In order to coordinate the allocation of resources available to drug courts throughout the state, there is hereby established a "Drug Courts Coordinating Commission" in the judicial department. The drug courts coordinating commission shall consist of one member selected by the director of the department of corrections; one member selected by the director of the department of social services; one member selected by the director of the department of mental health; one member selected by the director of the department of public safety; one member selected by the state courts administrator; and three members selected by the supreme court. The supreme court shall designate the chair of the commission. The commission shall periodically meet at the call of the chair; evaluate resources available for assessment and treatment of persons assigned to drug courts or for operation of drug courts; secure grants, funds and other property and services necessary or desirable to facilitate drug court operation; and allocate such resources among the various drug courts operating within the state.

2. There is hereby established in the state treasury a "Drug Court Resources Fund", which shall be administered by the drug courts coordinating commission. Funds available for allocation or distribution by the drug courts coordinating commission may be deposited into the drug court resources fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the drug court resources fund shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each biennium, but shall remain deposited to the credit of the drug court resources fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senators Schneider and Wiggins offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting immediately after said line the following:

"441.236. In the event that any premises to be rented, leased, sold, transferred or conveyed is or was used as a site for methamphetamine production, the owner, seller, landlord or other transferor shall disclose in writing to the prospective lessee, purchaser or transferee the fact that methamphetamine was produced on the premises, provided that the owner, seller, landlord or other transferor has knowledge of such prior methamphetamine production. The owner shall disclose any prior knowledge of methamphetamine production, regardless of whether the persons involved in the production were convicted for such production."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 471, Page 25, Section 195.400, Line 118, by inserting immediately after said line the following:

"537.297. 1. The following words as used in this section shall have the following meanings:

(1) "Owner", all of the following persons:

(a) Any person who lawfully owns anhydrous ammonia;

(b) Any person who lawfully owns a container, equipment or storage facility containing anhydrous ammonia;

(c) Any person responsible for the installation or operation of such containers, equipment or storage facilities;

(d) Any person lawfully selling anhydrous ammonia;

(e) Any person lawfully purchasing anhydrous ammonia for agricultural purposes;

(f) Any person who operates or uses anhydrous ammonia containers, equipment or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes;

(2) "Tamperer", a person who commits or assists in the commission of tampering;

(3) "Tampering", transferring or attempting to transfer anhydrous ammonia from its present container, equipment or storage facility to another container, equipment or storage facility, without prior authorization from the owners.

2. A tamperer assumes the risk of any personal injury, death and other economic and noneconomic loss arising from his or her participation in the act of tampering. A tamperer or any person related to a tamperer shall not commence a direct or derivative action against any owner. Owners are immune from suit by a tamperer or any person related to a tamperer and shall not be held liable for any negligent act or omission which may cause personal injury, death or other economic or noneconomic loss to a tamperer.

3. The immunity from liability and suit authorized by this section is expressly waived for owners whose acts or omissions constitute willful or wanton negligence.

570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the

purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

- (1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
- (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
- (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
- (4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

- (1) The value of the property or services appropriated is seven hundred fifty dollars or more; or
- (2) The actor physically takes the property appropriated from the person of the victim; or
- (3) The property appropriated consists of:
 - (a) Any motor vehicle, watercraft or aircraft; or
 - (b) Any will or unrecorded deed affecting real property; or
 - (c) Any credit card or letter of credit; or
 - (d) Any firearms; or
 - (e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or
 - (f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or
 - (g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or
 - (h) Any book of registration or list of voters required by chapter 115, RSMo; or
 - (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
 - (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
 - (k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia **or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen**, is a class [D] C felony. **The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.**

5. The theft of any item of property or services under subsection 3 of this section which exceeds seven hundred fifty

dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator or any container approved for anhydrous ammonia by the department of agriculture or the United States Department of Transportation.

2. A violation of this section is a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 471, Page 1, Section A, Line 3, by inserting immediately after said line the following:

"195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business;

(4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

(5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in sections 195.005 to 195.425;

(6) "Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance;

(7) "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

(8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale;

(9) "Dentist", a person authorized by law to practice dentistry in this state;

(10) "Depressant or stimulant substance":

(a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. 352(d);

(b) A drug containing any quantity of:

a. Amphetamine or any of its isomers;

b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;

(c) Lysergic acid diethylamide; or

(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;

(11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses;

(12) "Distribute", to deliver other than by administering or dispensing a controlled substance;

(13) "Distributor", a person who distributes;

(14) "Drug":

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or

animals;

(c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories;

(15) "Drug-dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence;

(16) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency;

(17) "Drug paraphernalia", all equipment, products, **substances** and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. It includes, but is not limited to:

(a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;

(l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- b. Water pipes;
- c. Carburetion tubes and devices;
- d. Smoking and carburetion masks;
- e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature cocaine spoons and cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bongs;
- m. Ice pipes or chillers;

(m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance;

In determining whether an object, **product, substance or material** is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (a) Statements by an owner or by anyone in control of the object concerning its use;
- (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
- (c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425;
- (d) The proximity of the object to controlled substances or imitation controlled substances;
- (e) The existence of any residue of controlled substances or imitation controlled substances on the object;
- (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (g) Instructions, oral or written, provided with the object concerning its use;
- (h) Descriptive materials accompanying the object which explain or depict its use;
- (i) National or local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(m) The existence and scope of legitimate uses for the object in the community;

(n) Expert testimony concerning its use;

(o) The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

(18) "Federal narcotic laws", the laws of the United States relating to controlled substances;

(19) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198, RSMo;

(20) "Immediate precursor", a substance which:

(a) The state department of health has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;

(b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

(21) "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an "imitation controlled substance" the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;

(b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

(c) Whether the substance is packaged in a manner normally used for illicit controlled substances;

(d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;

(e) The proximity of the substances to controlled substances;

(f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research;

(22) "Laboratory", a laboratory approved by the department of health as proper to be entrusted with the custody of controlled substances but does not include a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

(23) "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

(a) By a practitioner as an incident to his administering or dispensing of a controlled substance or an imitation controlled substance in the course of his professional practice, or

(b) By a practitioner or his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

(24) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;

(25) "Methamphetamine precursor drug", any drug containing ephedrine, pseudo-ephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;

(26) "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

(a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;

(b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(c) Cocaine or any salt, isomer, or salt of isomer thereof;

(d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

(e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision;

[(26)] (27) "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health;

[(27)] (28) "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

[(28)] **(29)** "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

(30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144, RSMo, of a drug other than a controlled substance;

[(29)] **(31)** "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

[(30)] **(32)** "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

[(31)] **(33)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

[(32)] **(34)** "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint;

[(33)] **(35)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;

[(34)] **(36)** "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

[(35)] **(37)** "Registry number", the number assigned to each person registered under the federal controlled substances laws;

[(36)] **(38)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee;

[(37)] **(39)** "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America;

[(38)] **(40)** "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household;

[(39)] **(41)** "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions."; and

Further amend said bill, page 22, section 195.223, line 102, by inserting immediately after said line the following:

"195.235. 1. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze,

pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425.

2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony.

195.246. 1. It is unlawful for any person to possess [ephedrine, its salts, optical isomers and salts of optical isomers or pseudoephedrine, its salts, optical isomers and salts of optical isomers] **any methamphetamine precursor drug** with the intent to manufacture **amphetamine**, methamphetamine or any of [its] **their** analogs.

2. Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony."; and

Further amend said bill, page 25, section 195.400, line 118, by inserting immediately after said line the following:

"195.417. 1. No person shall deliver in any single over-the-counter sale more than three packages of any methamphetamine precursor drug or any combination of methamphetamine precursor drugs.

2. This section shall not apply to any product labeled pursuant to federal regulation for use only in children under twelve years of age, or to any products that the state department of health, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors.

3. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who violates subsection 1 of this section shall not be penalized pursuant to this section if such person documents that an employee training program was in place to provide the employee with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor.

195.418. 1. The retail sale of methamphetamine precursor drugs shall be limited to:

(1) Sales in packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and

(2) For nonliquid products, sales in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.

2. Any person holding a retail sales license pursuant to chapter 144, RSMo, who knowingly violates subsection 1 of this section is guilty of a class A misdemeanor.

570.030. 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

2. Evidence of the following is admissible in any criminal prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:

(1) That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

(2) That he or she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

(3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

(4) That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse.

3. Stealing is a class C felony if:

(1) The value of the property or services appropriated is seven hundred fifty dollars or more; or

(2) The actor physically takes the property appropriated from the person of the victim; or

(3) The property appropriated consists of:

(a) Any motor vehicle, watercraft or aircraft; or

(b) Any will or unrecorded deed affecting real property; or

(c) Any credit card or letter of credit; or

(d) Any firearms; or

(e) A United States national flag designed, intended and used for display on buildings or stationary flagstaffs in the open; or

(f) Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state of Missouri; or

(g) Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

(h) Any book of registration or list of voters required by chapter 115, RSMo; or

(i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

(j) Live fish raised for commercial sale with a value of seventy-five dollars; or

(k) Any controlled substance as defined by section 195.010, RSMo.

4. If an actor appropriates any material with a value less than one hundred fifty dollars in violation of this section with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class [D] C felony. **The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator is a class B felony.**

5. The theft of any item of property or services under subsection 3 of this section which exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in separate counts.

6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars is guilty of a class B felony.

7. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

578.154. 1. A person commits the crime of possession of anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous ammonia in any container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field applicator.

2. A violation of this section is a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins moved that **SCS** for **HB 471**, as amended, be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 471**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
NAYS--Senators--None			
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 617**, entitled:

An Act to repeal sections 67.1360, 67.1545, 135.110, 135.150, 135.208, 135.209, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.460, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.508, 135.516, 135.530, 135.545, 319.129, 319.131, 319.132, 319.133, 348.300, 348.302, 620.1450, RSMo 2000, section 135.100 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, sections 135.200 and 135.535 as those sections were as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted

by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, relating to tax incentives for economic development, and to enact in lieu thereof thirty-six new sections relating to tax incentives for economic development.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13 and 15.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 80, Section 135.406, Line 3, by inserting after the word "sections" the number "135.400".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 6, Section 67.1442, Line 17 of said page, by deleting from said line the word "**forty-nine**" and inserting in lieu thereof the following: "**forty**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Pages 136 to 141, Section 319.129, Lines 18 to 24 of Page 136, Lines 1 to 24 of Pages 137, 138, 139, and 149, and Lines 1 to 17 of Page 141, by deleting all of said lines; and

Further amend said bill, Pages 141 to 150, Section 319.131, Lines 18 to 24 of Page 141, Lines 1 to 24 of Pages 142 to 149, and Lines 1 to 5 of Page 150, by deleting all of said lines; and

Further amend said bill, Pages 150 to 152, Section 319.132, Lines 6 to 24 of Page 150, Lines 1 to 24 of Page 151, and Lines 1 to 21 of Page 152, by deleting all of said lines; and

Further amend said bill, Pages 152 and 153, Section 319.133, Lines 22 to 24 of Page 152 and Lines 1 to 19 of Page 153, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Pages 99 to 106, Section 135.500, Lines 6 to 24 of Page 99, Lines 1 to 24 of Pages 100 to 105, and Lines 1 to 6 of Page 106 by deleting all of said lines and inserting in lieu thereof the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote [ten] **fifteen** percent or more of the

outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person [ten] **fifteen** percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business, any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business[. Capital in a qualified Missouri business shall not include secured debt instruments];

(4) "Certified capital **investment**", an investment of cash by an investor in a Missouri certified capital company **that fully funds either the investor's equity interest in a certified capital company, a qualified debt instrument that a certified capital company issues, or both;**

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not-for-profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "**Qualified debt instrument**", a debt instrument that a certified capital company issues at par value or at a premium that:

(a) **Has an original maturity date of at least five years from the date on which it was issued;**

(b) **Has a repayment schedule that is no faster than a level principal amortization; and**

(c) **Until the certified capital company may make distributions other than qualified distributions, the interest, distribution or payment features of which are not related to the certified capital company's profitability or the performance of its investment portfolio;**

(12) "Qualified distribution", any distribution of payment to equity holders of a certified capital company in connection with the following:

- (a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;
- (b) Management fees for managing and operating the certified capital company [; and] **which, on an annual basis, do not exceed two and one-half percent of the certified capital company's total certified capital;**
- (c) **Reasonable and necessary fees paid for professional services related to the operation of the certified capital company; and**

[(c)] **(d)** Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

[(12)] **(13)** "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business. **The investment must also be for the purchase of an equity security of the qualified business or a debt security of the qualified business, provided the debt has a maturity of at least one year. The debt security must be unsecured or be convertible into equity securities or equity participation instruments such as options or warrants, unless the debt security is issued by:**

- (a) A qualified Missouri agricultural business; or
- (b) A qualified business located in a distressed community and has been approved by the director. Such approval by the director shall not be unreasonably withheld and shall be granted or denied within fifteen business days of request by the certified capital company.

As a condition of the investment, the qualified business must agree to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment;

(14) "Qualified Missouri agricultural business", any independently owned and operated business, which is headquartered and located in Missouri, which has at least eighty percent of its employees working in Missouri, which is involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians, and meets the requirements of paragraphs (a), (b), (e) and (f) of subdivision (15) of subsection 2 of this section, and which is either:

- (a) A rural agricultural business whose projects add value to agricultural products and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or
- (b) Any business that is an eligible borrower as described pursuant to Section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars;

[(13)] **(15)** "Qualified Missouri business", an independently owned and operated business, which is headquartered and [located] **has its principal business operations** in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business:

- (a) Shall have no more than two hundred employees[.];
- (b) **Shall have at least** eighty percent of [which are] **its employees** employed in Missouri[. Such business];
- (c) Shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate

development, insurance and professional services provided by accountants, lawyers or physicians[.];

(d) If [such business] **it** has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars[.];

(e) Shall certify that it will maintain its headquarters and principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment; and

(f) If any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the [other] qualifications of paragraphs (a), (b) and (d) of this [subsection] subdivision at the time of such follow-on investments, provided, however, that such business continues to meet the other requirements set forth in this subdivision, and such business reaffirms its intention to maintain its headquarters and its principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation;

[(14)] **(16)** "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997."; and

Further amend said bill, Pages 114 to 122, Section 135.516, Lines 23 to 24 of Page 114, Lines 1 to 24 of Pages 115 to 121, and Lines 1 to 9 of Page 122, by deleting all of said lines and inserting in lieu thereof the following:

"135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments. A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen- working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified

Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company[, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate]:

(a) Shall be held in a financial institution or held by a registered broker-dealer;

(b) Shall not be invested in a certified investor of the certified capital company or any affiliate of the certified investor of the certified capital company;

(c) Shall be invested only in:

a. Any United States Treasury obligations;

b. Certificates of deposit or other obligations, maturing within three years after acquisitions of such certificates or obligations, issued by a financial institution or trust company incorporated pursuant to the laws of the United States;

c. Obligations which (i) are rated "A" or better by any nationally recognized credit rating agency, or (ii) issued by, or guaranteed with respect to payment by, an entity whose unsecured indebtedness is rated "A" or better by any nationally recognized credit rating agency and which is not subordinated to other unsecured indebtedness of the issuer or guarantor, as the case may be;

d. Mortgage-backed securities, with an average life of five years or less, after the acquisition of such securities, which are rated "A" or better by any nationally recognized credit rating agency;

e. Collateralized mortgage obligations and real estate mortgage investment conduits that are direct obligations of an agency of the United States government, are not private-label issues, are in book-entry form, and do not include the classes of interest only, principal only, residual or zero; or

f. Interests in money market funds, the portfolio of which is limited to cash and obligations described in subparagraphs a to e of this paragraph.

2. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

[2.] **3.** A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments, **and, with respect to qualified investments made with certified capital raised after August 28, 2001, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses.** Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to

the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

4. In the event that a business in which a qualified investment is made fails to comply with its agreement to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment, by relocating its headquarters or principal business operations of such business within the state to another state, the cumulative amount of qualified investment shall be reduced for purposes of this subsection only by the amount of such qualified investment, unless:

(1) The certified capital company invests an amount of at least equal to the investment of certified capital in the relocated business in a qualified business located in the state or in a distressed community, if the investment is to be credited to a distressed community allocation, within six months of the relocation; or

(2) The business demonstrates that it has returned its principal business operations to Missouri or a distressed community, if the investment is to be credited to a distressed community allocation, within three months of such relocation.

[3.] **5.** No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

[4.] **6.** Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

[5.] **7.** Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] **4** of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 32, Section 135.200, Line 8, by inserting after all of said line the following:

"135.207. 1. (1) Any city with a population of at least three hundred fifty thousand inhabitants which is located in

more than one county and any city not within a county, which includes an existing state designated enterprise zone within the corporate limits of the city may each, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

(2) Any Missouri community classified as a village whose borders lie adjacent to a city with a population in excess of three hundred fifty thousand inhabitants as described in subdivision (1) of this subsection, and which has within the corporate limits of the village a factory, mining operation, office, mill, plant or warehouse which has at least three thousand employees and has an investment in plant, machinery and equipment of at least two hundred million dollars may, upon securing approval of the director and the local governing authorities of the village and the adjacent city which contains an existing state designated enterprise zone, designate one satellite zone to be located within the corporate limits of the village, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(3) Any geographical area partially contained within any city not within a county and partially contained within any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, which area is comprised of a total population of at least four thousand inhabitants but not more than seventy-two thousand inhabitants, and which area consists of at least one fourth class city, and has within its boundaries a military reserve facility and a utility pumping station having a capacity of ten million cubic feet, may, upon securing approval of the director and the appropriate local governing authorities as provided for in section 135.210, be designated as a satellite zone, such zone to be in addition to the six authorized in subdivision (1) of this subsection.

(4) Any city with a population of at least one hundred and forty thousand inhabitants that is located in a county of the first classification with a noncharter form of government with a population of less than two hundred and seventy thousand which includes an existing state designated enterprise zone within the corporate limits of the city may, upon approval of the local governing authority of the city and the director of the department of economic development, designate up to three satellite zones within its corporate limits, one of which shall be east of and adjacent to its municipally owned airport and one on land owned by the city which contains a wastewater treatment plant with a treatment capacity of five million six hundred thousand cubic feet per day and an electric power plant having a capacity of at least two hundred seventy-five megawatts. A prerequisite for the designation of a satellite zone shall be the approval by the director of a plan submitted by the local governing authority of the city describing how the satellite zone corresponds to the city's overall enterprise zone strategy.

2. For satellite zones designated pursuant to the provisions of subdivisions (1) and (3) of subsection 1 of this section, the satellite zones, in conjunction with the existing state-designated enterprise zone shall meet the following criteria:

(1) The area is one of pervasive poverty, unemployment, and general distress, or one in which a large number of jobs have been lost, a large number of employers have closed, or in which a large percentage of available production capacity is idle. For the purpose of this subdivision, "large number of jobs" means one percent or more of the area's population according to the most recent decennial census, and "large number of employers" means over five;

(2) At least fifty percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the existing state designated enterprise zone and its satellite zones must be at least four thousand but not more than seventy-two thousand at the time of designation;

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than sixty percent of the statewide percentage of residents employed on a full-time basis.

3. A qualified business located within a satellite zone shall be subject to the same eligibility criteria and can be eligible to receive the same benefits as a qualified facility in sections 135.200 to 135.255."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Section 348.302, Line 17, by inserting after all of said line the following:

"447.700. As used in sections 447.700 to 447.718, the following terms mean:

(1) "Abandoned property", real property previously used for, or which has the potential to be used for, commercial or industrial purposes which reverted to the ownership of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure; or a privately owned property endorsed by the city, or county if the property is not in a city, for inclusion in the program which will be transferred to a person other than the potentially responsible party as defined in chapter 260, RSMo, and has been vacant for a period of not less than three years from the time an application is made to the department of economic development;

(2) "Allowable cost", all or part of the costs of project facilities, including the costs of acquiring the property, relocating any remaining occupants, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping or furnishing project facilities, demolition, site clearance and preparation, supplementing and relocating public capital improvements or utility facilities, designs, plans, specifications, surveys, studies and estimates of costs, expenses necessary or incident to determining the feasibility or practicability of assisting an eligible project or providing project facilities, architectural, engineering and legal service fees and expenses, the costs of conducting any other activities as part of a voluntary remediation and such other expenses as may be necessary or incidental to the establishment or development of an eligible project and reimbursement of moneys advanced or applied by any governmental agency or other person for allowable costs. **In any third class city with a population of more than eleven thousand but less than twelve thousand inhabitants located in a county of the first classification with a population of more than eighty thousand but less than eighty-two thousand inhabitants, allowable costs shall also include twenty-five percent of the demolition costs up to one hundred twenty-five thousand dollars of any building or structure which is located on the site of an abandoned or underutilized property;**

(3) "Applicant", the person that submits an application for consideration of a project or location or real property for financial, tax credit or other assistance pursuant to sections 447.700 to 447.718; an applicant may not be any party who intentionally or negligently caused the release or potential release of hazardous substances at the eligible project as that term is defined pursuant to chapter 260, RSMo;

(4) "Eligible project", abandoned or underutilized property to be acquired, established, expanded, remodeled, rehabilitated or modernized for industry, commerce, distribution or research or any combination thereof, the operation of which, alone or in conjunction with other facilities, will create new jobs or preserve existing jobs and employment opportunities, attract new businesses to the state, prevent existing businesses from leaving the state and improve the economic welfare of the people of the state. The term "eligible project", without limitation, includes voluntary remediation conducted pursuant to sections 260.565 to 260.575, RSMo. To be an "eligible project" pursuant to sections 447.700 to 447.718, the obligations of the prospective applicant and the governmental agency shall be defined in a written agreement signed by both parties. The facility, when completed, shall be operated in compliance with applicable federal, state and local environmental statutes, regulations and ordinances. An "eligible project" shall be determined by consideration of the entire project. The definition or identification of an "eligible project" shall not be segmented into parts to separate commercial and industrial uses from residential uses;

(5) "Financial assistance", direct loans, loan guarantees, and grants pursuant to sections 447.702 to 447.706; and tax credits, inducements and abatements pursuant to section 447.708;

(6) "Governmental action", any action by a state, county or municipal agency relating to the establishment, development or operation of an eligible project and project facilities that the governmental agency has authority to take or provide for the purpose under law, charter or ordinance, including but not limited to, actions relating to contracts and agreements, zoning, building, permits, acquisition and disposition of property, public capital improvements, utility and transportation service, taxation, employee recruitment and training, and liaison and coordination with and among governmental agencies;

(7) "Governmental agency", the state, county and municipality and any department, division, commission, agency, institution or authority, including a municipal corporation, township, and any agency thereof and any other political subdivision or public corporation; the United States or any agency thereof; any agency, commission or authority established pursuant to an interstate compact or agreement and any combination of the above;

(8) "Person", any individual, firm, partnership, association, limited liability company, corporation or governmental agency, and any combination thereof;

(9) "Project facilities", buildings, structures and other improvements and equipment and other property or fixtures, excluding small tools, supplies and inventory, and public capital improvements;

(10) "Public capital improvements", capital improvements or facilities owned by a governmental agency and which such agency has authority to acquire, pay the costs of, maintain, relocate or operate, or to contract with other persons to have the same done, including but not limited to, highways, roads, streets, electrical, gas, water and sewer facilities, railroad and other transportation facilities, and air and water pollution control and solid waste disposal facilities;

(11) "Underutilized", real property of which less than thirty-five percent of the commercially usable space of the property and improvements thereon, are used for their most commercially profitable and economically productive use; or property that was used by the state of Missouri as a correctional center for a period of at least one hundred years and which requires environmental remediation before redevelopment can occur, if approval from the general assembly has been given for any improvements to, or remediation, lease or sale of, said property;

(12) "Voluntary remediation", an action to remediate hazardous substances and hazardous waste pursuant to sections 260.565 to 260.575, RSMo."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 136, Section 135.545, Line 17 of said page, by inserting after all of said line the following:

"135.552. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Director", the director of the department of public safety;

(3) "Sexual violence crisis service center", a nonprofit organization having a primary function of serving sexual violence victims, or running a discrete, separate program that serves sexual violence victims, or two or more nonprofit organizations operating under a formal arrangement to provide sexual violence services to victims of rape, sexual assault and sexual abuse, their significant others, secondary victims and the community. For purposes of this section, eligible services of a sexual violence crisis service center, include, but shall not be limited to, the operation of a twenty-four-hour crisis hotline promoted as a service for sexual violence victims and the provision of information, referrals, medical and justice system advocacy, crisis intervention and support groups at no charge and community education and prevention education;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to

the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, an insurance company paying an annual tax on its gross premium receipts in this state or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a sexual violence crisis service center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a sexual violence crisis service center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which organizations and programs in this state may be classified as sexual violence crisis service centers. The director may require an organization or program seeking to be classified as a sexual violence crisis service center to submit any information which is reasonably necessary to make such a determination. The director shall classify an organization or program as a sexual violence crisis service center if such organization or program meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if an organization or program has been classified as a sexual violence crisis service center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Sexual violence crisis service centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to sexual violence crisis service centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all organizations and programs classified as sexual violence crisis service centers. If a sexual violence crisis service center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those sexual violence crisis service centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each sexual violence crisis service center shall provide information to the director concerning the identity of each taxpayer making a contribution to the sexual violence crisis service center who is claiming a tax credit

pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.630. 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;
- (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, an insurance company paying an annual tax on its gross premium receipts in this state or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;
- (5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:
 - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
 - (b) Where childbirths are not performed; and
 - (c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and
 - (d) Which provides direct client services, as opposed to merely providing counseling or referral services by telephone; and
 - (e) Which provides its services at no cost; and
 - (f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall

not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require a facility seeking to be classified as an unplanned pregnancy resource center to submit any information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.631. The tax credits available pursuant to sections 135.552 and 135.630 shall not be available in any tax year beginning after December 31, 2006, but any tax credit claimed pursuant to section 135.552 or 135.630 prior to that date may be carried forward as otherwise provided by those sections."; and

Further amend said bill, page 157, Section 348.302, Line 17 of said page, by inserting after all of said line the following:

"620.1039. 1. As used in this section, the term "taxpayer" means an individual, a partnership, or a corporation as described in section 143.441 or 143.471, RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same meaning as prescribed in 26 U.S.C. 41.

2. For tax years beginning on or after January 1, 2001, the director of the department of economic development may authorize a taxpayer to receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount up to six and one-half percent of the excess of the taxpayer's qualified research expenses, as certified by the director of the department of economic development, within this state during the taxable year over the average of the taxpayer's qualified research expenses within this state over the immediately preceding three taxable years; except that, no tax credit shall be allowed on that portion of the taxpayer's qualified research expenses incurred within this state during the

taxable year in which the credit is being claimed, to the extent such expenses exceed two hundred percent of the taxpayer's average qualified research expenses incurred during the immediately preceding three taxable years.

3. The director of economic development shall prescribe the manner in which the tax credit may be applied for. The tax credit authorized by this section may be claimed by the taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that becomes due in the tax year during which such qualified research expenses were incurred. Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability may only be carried forward for the next five succeeding taxable years or until the full credit has been claimed, whichever first occurs. The application for tax credits authorized by the director pursuant to subsection 2 of this section shall be made no later than the end of the taxpayer's tax period immediately following the tax period for which the credits are being claimed.

4. Certificates of tax credit issued pursuant to this section may be transferred, sold or assigned by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credit transferred. The director of economic development may allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year commencing on or after January 1, 1996, and ending not later than December 31, 1999. Such taxpayer shall file, by December 31, 2001, an application with the department which names the transferee, the amount of tax credit desired to be transferred, and a certification that the funds received by the applicant as a result of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The aggregate of all tax credits authorized pursuant to this section shall not exceed [nine] **five** million seven hundred thousand dollars in any year."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 84, Section 620.1450, Line 21, by inserting after all of said section the following:

"Section 1. In third class counties with a population of fewer than 30,000 people and bordered by a state line and at least two other third class counties, a tax credit shall be granted to the owner of a recreation facility with at least six baseball diamonds, equal to eighty-five percent of costs incurred for improvements and/or repairs made to such facility, with an annual cap on the tax credit of \$10,000. The credit must be claimed the same calendar year in which the costs were incurred. A claimant must apply to the Department of Economic Development, as prescribed by the director, who shall certify the credit to the taxpayer and to the Department of Revenue. The credit is nonrefundable and cannot be carried forward or back."; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617,

Page 60, Section 135.200, Line 21, by inserting after said line the following:

"135.205. For purposes of sections 135.200 to 135.256, an area must meet all the following criteria in order to qualify as an enterprise zone:

(1) The area is one of pervasive poverty, unemployment, and general distress;

(2) At least sixty-five percent of the residents living in the area have incomes below eighty percent of the median income of all residents within the state of Missouri according to the last decennial census or other appropriate source as approved by the director;

(3) The resident population of the area must be at least four thousand but not more than seventy-two thousand at the time of designation as an enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau; or, if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation must be at least one thousand but not more than [twenty] **twenty-five** thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction; provided, however, no enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the division of employment security or from the United States Bureau of Census and approved by the director, within the area exceeds one and one-half times the average rate of unemployment for the state of Missouri over the previous twelve months, or the percentage of area residents employed on a full-time basis is less than fifty percent of the statewide percentage of residents employed on a full-time basis."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Line 20, by inserting after all of said line the following:

"Section 1. 1. The governor is hereby authorized and empowered to sell, transfer, grant and convey all interest in fee simple absolute in property owned by the state in the County of St. Francois, State of Missouri, to the St. Francois County Habitat for Humanity, Inc. The property to be conveyed is more particularly described as follows:

A tract of land situated in the city of Farmington and the state of Missouri, lying in part of Lot 70 of the Subdivision of United States Survey 2969, Township 35 North, Range 5 East of the fifth Principal Meridian, described as follows, to wit: Commencing at the Southeast corner of Lot 4 of Crosswinds - Amended Plat 1, a subdivision filed for record in Plat Book 14 at Page 42, being on the West right-of-way line of Perrine Road, the POINT OF BEGINNING of the tract herein described; thence South 07°05'05" West 150.00' along said West right-of-way line; thence leaving said West right-of-way line, North 82°45'45" West 167.67'; thence North 07°05'05" East 150.00' to the Southwest corner of Lot 42 of Crosswinds - Plat 2, a subdivision filed for record in Plat Book 15 at Page 163; thence South 82°45'45" East 167.67' along the South line of said Lot 42 and said Lot 4 to the point of beginning. Containing 0.58 acres, more or less.

SUBJECT TO ALL easements, conditions, restrictions and right-of-ways of record and those not of record.

2. The commissioner of administration shall set the terms and conditions for the sale as the commissioner deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required, the time, place and terms of the sale.

3. The attorney general shall approve as to form the instrument of conveyance."; and Further amend said title,

enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 157, Section 348.300, Line 17, by inserting after all of said line the following:

"620.010. 1. There is hereby created a "Department of Economic Development" to be headed by a director appointed by the governor, by and with the advice and consent of the senate. All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State Reorganization Act of 1974 shall continue to apply to this department and its divisions, agencies and personnel.

2. The office of director of the department of business and administration, chapter 35, RSMo, and others, is abolished and all powers, duties, personnel and property of that office, not previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the department of economic development. The department of business and administration is hereby abolished.

3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are transferred by type I transfer to the personnel division, office of administration.

4. The powers, duties and functions vested in the public service commission, chapters 386, 387, 388, 389, 390, 392, and 393, RSMo, and others, and the administrative hearing commission, sections 621.015 to 621.198, RSMo, and others, are transferred by type III transfers, and the state banking board, chapter 361, RSMo, and others, and the savings and loan commission, chapter 369, RSMo, and others, are transferred by type II transfers to the department of economic development. The director of the department is directed to provide and coordinate staff and equipment services to these agencies in the interest of facilitating the work of the bodies and achieving optimum efficiency in staff services common to all the bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service commission from presenting additional budget requests or from explaining or clarifying its budget requests to the governor or general assembly.

5. The powers, duties and functions vested in the office of the public counsel are transferred by type III transfer to the department of economic development. Funding for the general counsel's office shall be by general revenue.

6. The public service commission is authorized to employ such staff as it deems necessary for the functions performed by the general counsel other than those powers, duties and functions relating to representation of the public before the public service commission.

7. There is hereby created a "Division of Credit Unions" in the department of economic development, to be headed by a director, nominated by the department director and appointed by the governor with the advice and consent of the senate. All the powers, duties and functions vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers and duties relating to credit unions vested in the commissioner of finance in chapter 370, RSMo, are transferred to the division of credit unions of the department of economic development, by a type II transfer, and the office of the state supervisor of credit unions is abolished. The salary of the director of the division of credit unions shall be set by the director of the department within the limits of the appropriations therefor. The director of the division shall assume all the duties and functions of the state supervisor of credit unions and the commissioner of finance only where the director has duties and responsibilities relating to credit unions as set out in chapter 370, RSMo.

8. The powers, duties and functions vested in the division of finance, chapters 361, 362, 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the department of economic development. There shall be a director of the division who shall be nominated by the department director and appointed by the governor with the

advice and consent of the senate.

9. All the powers, duties and functions vested in the director of the division of savings and loan supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any other provision of law are transferred to the division of finance of the department of economic development by a type I transfer. The position of the director of the division of savings and loan supervision is hereby abolished. The director of the division of finance shall assume all the duties and functions of the director of the division of savings and loan supervision as provided in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other provision of law. The division of savings and loan is hereby abolished. The powers of the savings and loan commission are hereby limited to hearing appeals from decisions of the director of the division of finance approving or denying applications to incorporate savings and loan associations or to establish branches of savings and loan associations and approving regulations pertaining to savings and loan associations. Any appeals shall be held in accordance with section 369.319, RSMo.

10. On and after August 28, 1990, the status of the division is modified under a specific type transfer pursuant to section 1 of the Omnibus Reorganization Act of 1974. The status of the division is modified from that of a division transferred to the department of economic development pursuant to a type II transfer, as provided for in this section, to that of an agency possessing the characteristics of a division transferred pursuant to a type III transfer; provided, however, that the division will remain within the department of economic development. The division of insurance shall be assigned to the department of economic development as a type III division, and the director of the department of economic development shall have no supervision, authority or control over the actions or decisions of the director of the division. All authority, records, property, personnel, powers, duties, functions, matter pending and all other pertinent vestiges pertaining thereto shall be retained by the division except as modified by this section. If the division of insurance becomes a department by operation of a constitutional amendment, the department of economic development shall continue until December 31, 1991, to provide at least the same assistance as was provided in previous fiscal years for personnel, data processing support and other benefits from appropriations.

11. All the powers, duties and functions of the commerce and industrial development division and the industrial development commission, chapters 184 and 255, RSMo, and others, not otherwise transferred, are transferred by type I transfer to the department of economic development, and the industrial development commission is abolished. All powers, duties and functions of the division of commerce and industrial development and the division of community development are transferred by a type I transfer to the department of economic development, and the division of commerce and industrial development and the division of community development are abolished.

12. All the powers, duties and functions vested in the tourism commission, chapter 258, RSMo, and others, are transferred to the "Division of Tourism", which is hereby created, by type III transfer.

13. All the powers, duties and functions of the department of community affairs, chapter 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the department of economic development, and the department of community affairs is abolished. The director of the department of economic development may assume all the duties of the director of community affairs or may establish within the department such subunits and advisory committees as may be required to administer the programs so transferred. The director of the department shall appoint all members of such committees and heads of subunits.

14. (1) There is hereby established a "Division of Professional Registration" assigned to the department of economic development as a type III division, headed by a director appointed by the director of the department with the advice and consent of the senate.

(2) The director of the division of professional registration shall promulgate rules and regulations which designate for each board or commission assigned to the division the renewal date for licenses or certificates. After the initial establishment of renewal dates, no director of the division shall promulgate a rule or regulation which would change the renewal date for licenses or certificates if such change in renewal date would occur prior to the date on which the renewal date in effect at the time such new renewal date is specified next occurs. Each board or commission shall by rule or regulation establish licensing periods of one, two, or three years. Registration fees set by a board or commission shall be effective for the entire licensing period involved, and shall not be increased during any current licensing

period. Persons who are required to pay their first registration fees shall be allowed to pay the pro rata share of such fees for the remainder of the period remaining at the time the fees are paid. Each board or commission shall provide the necessary forms for initial registration, and thereafter the director may prescribe standard forms for renewal of licenses and certificates. Each board or commission shall by rule and regulation require each applicant to provide the information which is required to keep the board's records current. Each board or commission shall issue the original license or certificate.

(3) The division shall provide clerical and other staff services relating to the issuance and renewal of licenses for all the professional licensing and regulating boards and commissions assigned to the division. The division shall perform the financial management and clerical functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and renewal of licenses and certificates" means the ministerial function of preparing and delivering licenses or certificates, and obtaining material and information for the board or commission in connection with the renewal thereof. It does not include any discretionary authority with regard to the original review of an applicant's qualifications for licensure or certification, or the subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action contemplated against the licensee or certificate holder. The division may develop and implement microfilming systems and automated or manual management information systems.

(4) The director of the division shall establish a system of accounting and budgeting, in cooperation with the director of the department, the office of administration, and the state auditor's office, to ensure proper charges are made to the various boards for services rendered to them. The general assembly shall appropriate to the division and other state agencies from each board's funds, moneys sufficient to reimburse the division and other state agencies for all services rendered and all facilities and supplies furnished to that board.

(5) For accounting purposes, the appropriation to the division and to the office of administration for the payment of rent for quarters provided for the division shall be made from the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for the purpose defined in subdivision (4) of subsection 14 of this section. The fund shall consist of moneys deposited into it from each board's fund. Each board shall contribute a prorated amount necessary to fund the division for services rendered and rent based upon the system of accounting and budgeting established by the director of the division as provided in subdivision (4) of this subsection. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue.

(6) The director of the division shall be responsible for collecting and accounting for all moneys received by the division or its component agencies. Any money received by a board or commission shall be promptly given, identified by type and source, to the director. The director shall keep a record by board and state accounting system classification of the amount of revenue the director receives. The director shall promptly transmit all receipts to the department of revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall provide each board with all relevant financial information in a timely fashion. Each board shall cooperate with the director by providing necessary information.

(7) All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department of economic development are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names [and addresses], registration, and currency of the license of the persons possessing licenses to engage in a professional

occupation and the names [and addresses] of applicants for such licenses is not confidential information.

15. (1) The division of registration and examination, department of education, within chapter 161, RSMo, and others, is abolished and the following boards and commissions are transferred by specific type transfers to the division of professional registration, department of economic development: state board of accountancy, chapter 326, RSMo; state board of barber examiners, chapter 328, RSMo; state board of registration for architects, professional engineers and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter 331, RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter 334, RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry, chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri veterinary medical board chapter 340, RSMo. The governor shall appoint members of these boards by and with the advice and consent of the senate from nominees submitted by the director of the department.

(2) The boards and commissions assigned to the division shall exercise all their respective statutory duties and powers, except those clerical and other staff services involving collecting and accounting for moneys and financial management relating to the issuance and renewal of licenses, which services shall be provided by the division, within the appropriation therefor.

All clerical and other staff services relating to the issuance and renewal of licenses of the individual boards and commissions are abolished. All clerical and other staff services pertaining to collecting and accounting for moneys and to financial management relative to the issuance and renewal of licenses of the individual boards and commissions are abolished. Nothing herein shall prohibit employment of professional examining or testing services from professional associations or others as required by the boards or commissions on contract. Nothing herein shall be construed to affect the power of a board or commission to expend its funds as appropriated. However, the division shall review the expense vouchers of each board. The results of such review shall be submitted to the board reviewed and to the house and senate appropriations committees annually.

(3) Notwithstanding any other provisions of law, the director of the division shall exercise only those management functions of the boards and commissions specifically provided in the Reorganization Act of 1974, and those relating to the allocation and assignment of space, personnel other than board personnel, and equipment.

(4) "Board personnel", as used in this section or chapters 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall mean personnel whose functions and responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration and a description of their responsibilities.

(5) Board personnel for each board or commission shall be employed by and serve at the pleasure of the board or commission, shall be supervised as the board or commission designates, and shall have their duties and compensation prescribed by the board or commission, within appropriations for that purpose, except that compensation for board personnel shall not exceed that established for comparable positions as determined by the board or commission pursuant to the job and pay plan of the department of economic development. Nothing herein shall be construed to permit salaries for any board personnel to be lowered except by board action.

(6) Each board or commission shall receive complaints concerning its licensees' business or professional practices. Each board or commission shall establish by rule a procedure for the handling of such complaints prior to the filing of formal complaints before the administrative hearing commission. The rule shall provide, at a minimum, for the logging

of each complaint received, the recording of the licensee's name, the name of the complaining party, the date of the complaint, and a brief statement of the complaint and its ultimate disposition. The rule shall provide for informing the complaining party of the progress of the investigation, the dismissal of the charges or the filing of a complaint before the administrative hearing commission.

16. All the powers, duties and functions of the division of athletics, chapter 317, RSMo, and others, are transferred by type I transfer to the division of professional registration. The athletic commission is abolished.

17. The state council on the arts, chapter 185, RSMo, and others, is transferred by type II transfer to the department of economic development, and the members of the council shall be appointed by the director of the department.

18. The Missouri housing development commission, chapter 215, RSMo, is assigned to the department of economic development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

19. All the authority, powers, duties, functions, records, personnel, property, matters pending and other pertinent vestiges of the division of manpower planning of the department of social services are transferred by a type I transfer to the "Division of Job Development and Training", which is hereby created, within the department of economic development. The division of manpower planning within the department of social services is abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to the transfers provided in this section.

20. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

620.145. 1. The division of professional registration shall maintain, for each board in the division, a registry of each person holding a current license, permit or certificate issued by that board. The registry shall contain the name, Social Security number and address of each person licensed or registered together with other relevant information as determined by the board. The registry for each board shall at all times be available to the board and copies shall be supplied to the board on request. Copies of the registry, except for the registrant's Social Security number **and address**, shall be available from the division or the board to any individual who pays the reasonable copying cost. Any individual may copy the registry during regular business hours. The information in the registry shall be furnished upon request to the division of child support enforcement. Questions concerning the currency of license of any individual shall be answered, without charge, by the appropriate board. Each year each board may publish, or cause to be published, a directory containing the name [and address] of each person licensed or registered for the current year together with any other information the board deems necessary. Any expense incurred by the state relating to such publication shall be charged to the board. An official copy of any such publication shall be filed with the director of the department of economic development.

2. Notwithstanding any provision of law to the contrary, each board shall require each person applying for a license, permit or certificate, or a renewal of a license, permit or certificate to furnish the board with the applicant's Social Security number."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, Page 86, Section 135.460, Line 8 of said page, by deleting the following: "**schools, including schools**", and inserting in lieu thereof the following: "**public schools, including public schools**"; and

Further amend said bill, Page 86, Section 135.460, Line 11 of said page, by inserting after the word "**initiatives**" the following: ". **Any public school may reject any donation made pursuant to this subdivision, or subdivisions (4) (5) or (6) of this subsection**"; and

Further amend said bill, Page 86, Section 135.460, Line 13 of said page, by inserting after the word "**to**" the following: "**public**"; and

Further amend said bill, Page 86, Section 135.460, Line 15 of said page, by inserting after the word "**of**" the following: "**public**"; and

Further amend said bill, Page 86, Section 135.460, Line 22, by inserting at the end of said line the following: "**public**"; and

Further amend said bill, Page 87, Section 135.460, Line 4, by inserting after the following:

"**housing a**" the following "**public**".

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on May 4, 2001 for your advice and consent:

Yvonne Hunter, Republican, 21 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Hilary Ryals Huffman, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

Having voted on the prevailing side, Senator Kenney moved that the vote by which the motion to return the appointment of Yvonne Hunter to the Governor was adopted, be reconsidered, which motion prevailed by the

following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senator House--1		
	Absent--Senators		
Bland	Quick--2		
	Absent with leave--Senator Carter--1		

President Pro Tem Kinder withdrew his motion to return the appointment of Yvonne Hunter to the Governor.

HOUSE BILLS ON THIRD READING

HS for HCS for HBs 924, 714, 685, 756, 734 and 518, with SCS, entitled:

An Act to repeal sections 142.803, 144.440, 144.700, 144.805, 226.200, 227.100, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.505, 302.510, 302.520, 302.541, 577.010, 577.012 and 577.037, RSMo 2000, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and a referendum clause.

Was called from the Informal Calendar and taken up by Senator Mathewson.

SCS for HS for HCS for HBs 924, 714, 685, 756, 734 and 518, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 924, 714, 685, 756, 734 and 518

An Act to repeal sections 21.795, 144.805, 226.030, 226.120, 226.200 and 227.100, RSMo 2000, relating to transportation, and to enact in lieu thereof twenty-four new sections relating to the same subject and an effective date for a certain section.

Was taken up.

Senator Mathewson moved that **SCS for HS for HCS for HBs 924, 714, 685, 756, 734 and 518** be adopted.

Senator Mathewson offered **SS for SCS for HS for HCS for HBs 924, 714, 685, 756, 734 and 518, entitled:**

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 924, 714, 685, 756, 734 & 518

An Act to repeal sections 21.795, 142.803, 144.440, 144.700, 144.805, 226.030, 226.133, 226.134, 226.200 and 227.100, RSMo 2000, and to enact in lieu thereof eighteen new sections relating to transportation, with penalty provisions and a referendum clause.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 924, 714, 685, 756, 734** and **518** be adopted.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 15, Section 226.133, Line 11, by inserting immediately after the word "year." on said line the following:

"The sale of such bonds shall be negotiated after a competitive selection process with an underwriting group managed by firms headquartered within the State of Missouri, as long as such firms are not deemed to be unqualified or price uncompetitive. The under-writing group so managed shall have as its first priority the sale of the bonds to Missouri individual investors as long as such sale is not inconsistent with deriving the lowest possible financing costs."

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 8, Section 142.803, Line 14 of said page, inserting immediately at the end of said line the following: **"In addition to the tax levied pursuant to this section, there is levied an additional tax of three cents per gallon upon diesel fuel;"**; and

Further amend said bill, page 30, Section 227.107, line 22, by inserting immediately after said line the following:

"301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

6,000 pounds and under	\$ [25.50] 33.00
6,001 pounds to 9,000 pounds	[38.00] 49.50
9,001 pounds to 12,000 pounds	[38.00] 49.50
12,001 pounds to 18,000 pounds	[63.00] 82.00
18,001 pounds to 24,000 pounds...	[100.50] 131.00
24,001 pounds to 26,000 pounds...	[127.00] 165.00
26,001 pounds to 30,000 pounds...	[180.00] 234.00
30,001 pounds to 36,000 pounds...	[275.50] 357.50

36,001 pounds to 42,000 pounds...	[413.00] 537.00
42,001 pounds to 48,000 pounds...	[550.50] 716.00
48,001 pounds to 54,000 pounds...	[688.00] 894.00
54,001 pounds to 60,010 pounds ..	[825.50] 1,073.00
60,011 pounds to 66,000 pounds .	[1,100.50] 1,431.00
66,001 pounds to 73,280 pounds..	[1,375.50] 1,788.00
73,281 pounds to 78,000 pounds..	[1,650.50] 2,146.00
Over 78,000 pounds	[1,719.50] 2,235.00

301.265. 1. The owner of any motor vehicle or, in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, which is duly and legally registered in some other jurisdiction but which cannot legally be operated on Missouri highways under the provisions of section 301.271, or under the provisions of any applicable agreement duly entered into by the Missouri highway reciprocity commission, which is operated on the highways of this state only occasionally by such owner or operator, may in lieu of the payment of the registration fee for such vehicle, obtain a trip permit from the department of revenue authorizing the operation of such vehicle on the highways of this state for a period of not to exceed seventy-two hours. The trip permit is valid for use by any owner or operator who uses the vehicle during the seventy-two hour period. The fee for such trip permit shall be [ten] **fourteen dollars and fifty cents** and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state [highway] **highways and transportation** department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail. When such trip permit fee has been paid on a motor vehicle, no registration or fee shall be required for a trailer or semitrailer duly and legally registered in any jurisdiction and propelled by such motor vehicle. The director of revenue shall prescribe rules and regulations to effectuate the purpose of this section. Application for such trip permits shall be made on a form prescribed by and shall contain such information as may be required by the director of revenue.

2. The requirements of Missouri law as to title of motor vehicles shall not be applicable to vehicles operated under such trip permits.
3. Any owner or operator who desires to use a trip permit for the operation of his vehicle shall secure such permit and the same must be in full force and effect before the vehicle enters or commences its trip in the state of Missouri.
4. Operators who fail to obtain such permit before the vehicle enters or commences its trip in this state are subject to arrest and must obtain such permit before proceeding. The permits shall be made available at official highway weight stations.
5. The purchase of a [ten] **fourteen dollar and fifty cents** trip permit shall allow such operator to haul the maximum weight allowed by statute.
6. Such permits may be sold in advance of the date of their use in such quantities as the director of revenue shall determine.

302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director.

2. The application for a commercial driver's license or renewal shall be accompanied by the payment of a fee of [forty] **sixty** dollars. The fee for a duplicate commercial driver's license shall be [twenty] **thirty** dollars. A commercial

driver's license shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration. The director shall have the authority to stagger the issuance or renewal of commercial driver's license applicants over a six-year period. When a person changes such person's name, mailing or residence address, such person shall notify the director. To all applicants for a commercial license or renewal who are between eighteen and twenty-one years of age, the application shall be accompanied by a fee of twenty dollars. A commercial license issued pursuant to an applicant less than twenty-one years of age shall expire on the applicant's birthday the third year after issuance.

3. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.

304.010. 1. As used in this section, the following terms mean:

(1) "Expressway", a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) "Freeway", a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) "Rural interstate", that part of the federal interstate highway system that is not located in an urban area;

(4) "Urbanized area", an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than twenty-four thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided [by] **for** in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance. If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) The operator of any truck registered for a gross weight of more than twenty-four thousand pounds

operating such vehicle at a speed in excess of seventy miles per hour shall be fined one thousand dollars.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the speeding violation.

622.030. 1. The administrative law judges shall assume all the duties concerning transportation activities heretofore imposed upon the commissioners of the public service commission in their quasi-judicial capacity and function. All ministerial duties shall be performed by the division, and the administrative law judges shall not be responsible for those activities. The administrative law judges shall hear and decide all matters concerning transportation activities which the public service commission or public service commissioners would have been required to hear and decide in a quasi-judicial capacity.

2. Each administrative law judge may exercise all powers granted to the division without the concurrence of any other administrative law judge, except with respect to the rulemaking powers, in which all administrative law judges must concur. The method of assignment of petitions, appeals or other cases may be determined by rule or other agreement between the administrative law judges. Except as provided in section 622.035, all hearings before the administrative law judges shall be governed by rules adopted by them. In all investigations, inquiries or hearings before the division or the administrative law judges, neither the administrative law judges nor the division shall be bound by technical rules of evidence. No formality in any proceeding nor in the manner of taking testimony before the division or an administrative law judge shall invalidate any order, decision, rule or regulation made, approved or confirmed by the division or administrative law judge.

3. The division [may] **shall** charge a [reasonable] docket fee [as may be set by rule] **of two hundred dollars** to be paid upon the filing of any petition, application, complaint, or other request for relief or authority by any party other than the division staff. All such docket fees shall be paid to the state director of revenue at the time of the filing of any such petition, application, complaint or other request for relief or authority, and the same shall be deposited by the state director of revenue in the [highway] **state highways and transportation department** fund of the state of Missouri."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Loudon offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 6, Section 304.010, Line 2, by deleting the word "five" and replacing it with the word "nine".

Senator Loudon moved that the above amendment be adopted.

Senator Singleton assumed the Chair.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 1** to **SA 2** and was joined in his request by Senators Mathewson, Russell, Scott and Wiggins.

At the request of Senator Loudon, **SA 1** to **SA 2** was withdrawn.

SA 2 was again taken up.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in

his request by Senators Mathewson, Westfall, Wiggins and Scott.

President Maxwell assumed the Chair.

SA 2 failed of adoption by the following vote:

YEAS--Senators			
Bentley	Bland	Dougherty	Goode
Jacob	Kenney	Schneider	Yeckel--8
NAYS--Senators			
Caskey	Cauthorn	Childers	DePasco
Foster	Gibbons	Gross	House
Johnson	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins--25			
Absent--Senators--None			
Absent with leave--Senator Carter--1			

Senator Kinder offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 31, Section 1, Line 4 of said page, by inserting after all of said line the following:

"Section 2. Moneys in excess of thirty million dollars, including any interest thereon, received by any attorneys who have acted on behalf of the state relating to the case of State of Missouri ex rel. Nixon v. The American Tobacco Co., et al, shall be paid to the state road fund and, upon appropriation, be used for the construction and rehabilitation of state highways."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Mathewson raised the following point of order:

Mr. President: I wish to raise a point of order concerning the amendment for SS for SCS for HS for HCS for HBs 924 et al. Per Missouri Senate Rule 96, which states that in situations where there is no Missouri Senate Rule, the rules of the United States Senate apply, I cite the following U.S. Senate rules:

- 1) Rule XVI (page 192) - The funding for a portion of this bill is based on a contingency, unreceived deductions from attorneys' fees. Amendments dependent upon the happening of a contingency - in this case, the reduction and reallocation of lawyers' fees for transportation funding - is a contravention of paragraph 4 of Rule XVI and not in order.
- 2) Rule XVI, paragraphs 4 and 6, (page 151) - The funding in this SCS attempts to appropriate through regular legislation, which is in contravention of paragraphs 4 and 6 of Rule XVI.

Finally, under U.S. Senate Rule XIV, the funding amendment violates various constitutional provisions. It impairs the obligation of contracts (2 contracts at issue): a.) A contract between the State and Tom Strong, which the Missouri Supreme Court has already ruled is valid and binding; and b.) A contract between two private parties. The amendment

is also a taking of private property for public use without just compensation by taking money for use by the State which, by contract, is payable to the attorneys. Lastly, the amendment is an unconstitutional "bill of attainder" in that it would operate retroactively to disturb validly vested rights.

If this amendment remains in the bill and is later held to be invalid or unconstitutional by a court, because the funding provisions are fundamental to the statutory plan, its validity is fatal to the entire legislation. Therefore, the senator from Cape Girardeau's amendment could be nonseverable following enactment.

It must be noted that when a point of order is made against an amendment on the grounds that it violates the Constitution, U.S. Senate Rule XIV stipulates that point of order must be submitted by the Chair to the Senate for a vote and when so submitted is subject to a motion to table, but if the Senate is operating under cloture the point of order is not debatable.

The point of order was referred to the President Pro Tem.

Senator Jacob submitted the following relative to the pending point of order:

MEMORANDUM

TO: Senator Kinder

FROM: Jeff Davis

DATE: April 11, 2001

RE: Jacobs-SB 402 Amendment

Jacobs has an amendment that would add SB 402 (removing gaming loss limits to fund educational scholarships) to the charter school bill or another educational bill. Similar to our attempt to amend tobacco attorney fees on SB 454, he uses casino revenues as a funding mechanism for education. He also strips out the loss limits, etc. Dr. Valentine opines that the portion stripping out the loss limits violates Article III, Section 23 of the Missouri Constitution which states that a bill can have no more than one subject. Since the subject of this provision is removing the casino loss limits and the subject of the bill is funding educational scholarships, a point of order should be well taken.

This is a setup-If you do this, then you would have to rule consistently on your amendments pending to SB 438 as well.

I do not necessarily think this is a bad thing. If we establish rigid rules for germaneness, it will be much more difficult to amend anything onto a bill that we don't want amended on there. We probably need to think about this a little more before you make a decision.

Senator Jacob raised a further point of order that **SA 3** is out of order in that it is not germane and goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

President Pro Tem Kinder ruled the point of order raised by Senator Jacob not well taken.

At the request of Senator Kinder, **SA 3** was withdrawn, rendering the point of order raised by Senator Mathewson moot.

Senator Westfall offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for

House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 14, Section 226.030, Line 27 of said page, by inserting after all of said line the following:

"226.033. 1. A commission member, during his or her tenure, shall not:

- (1) Personally solicit political contributions in a speech given at a fundraiser;**
- (2) Allow his or her official title to be used in connection with fundraising activities;**
- (3) Solicit, accept or receive political contributions;**
- (4) Organize, sell tickets to, promote or actively participate in a fundraising activity of a candidate for partisan political office or of a political party or partisan political group;**
- (5) Take an active part in managing the political campaign of a candidate for partisan political office or a candidate for political party office; or**
- (6) Endorse or oppose a candidate for partisan political office or a candidate for political party office in a political advertisement, broadcast, campaign literature or similar material.**

2. If a commission member engages in any of the activities set forth in subsection one of this section, such activity shall be considered misconduct pursuant to section 226.030. If the governor finds that the commissioner's involvement in such activities affects the commissioner's ability to carry out his or her official duties in a nonpartisan manner, the governor may remove the offending commissioner from the commission.";
and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, Klindt, Mathewson and Russell.

SA 4 was adopted by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Gross	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Sims	Singleton	Steelman	Westfall
Yeckel-- 17			
NAYS--Senators			
Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Mathewson	Quick	Schneider	Scott
Staples	Stoll	Wiggins-- 15	
Absent--Senator Bentley-- 1			
Absent with leave--Senator Carter-- 1			

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 26, Section 227.107, Line 14 of said page, by inserting after the word "contract" the following: **"and one state highway design build project as described in subsection 21 of**

this section"; and

Further amend said bill, page 30, Section 227.107, line 14 of said page, by striking "shall be", and further amend line 15 of said page by striking "one" and insert in lieu thereof **"the"**; and further amend line 15 of said page, by striking the word "which"; and further amend line 22 of said page, by inserting after all of said line the following:

"22. The state highway design build project authorized by subsection 1 of this section shall apply to a highway which extends from the county seat within a county of the third classification having a population of at least fifteen thousand three hundred but less than fifteen thousand four hundred to a county seat within a county of the third classification having a population having at least twenty four thousand five hundred but less than twenty four thousand six hundred. The design build contract for the highway described in this subsection shall be for the design, construction or improvement of a highway segment which is at least fifteen miles in length, but not exceeding thirty miles in length."

Senator Cauthorn moved that the above amendment be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

Senator Foster offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 14, Section 226.030, Line 10 of said page, by striking the words "United States congressional" and inserting in lieu thereof the word **"transportation"**; and further amend line 22 of said page, by inserting after the word "provided." the following: **"Following voter approval of this act, the president pro tem of the senate and the speaker or house minority floor leader of the same political party as the president pro tem shall nominate three candidates for each vacancy on the commission and the minority floor leader of the senate and the speaker or house minority floor leader of the same political party shall nominate three candidates for each vacancy on the commission. The governor shall select one candidate from each party. The candidates shall be appointed on or before June thirtieth in odd-numbered years. In the event of a vacancy on the commission, the political party of the vacating member shall submit three candidates for selection as a member to the commission to the governor within thirty days of the vacancy. The governor shall have fifteen days to select a new member of the commission. The new member of the commission shall serve only the remainder of the unexpired six-year term of the vacating member."**

Senator Foster moved that the above amendment be adopted.

Senator Sims offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 924, 714, 685, 756, 734 and 518, Page 14, Section 226.030, Lines 6-11, by striking the brackets "[]" and the word "eight" on line 6 and on line 8, by striking the brackets "[]" and the word **four** and on lines 9-11, by removing all underlined words.

Senator Sims moved that the above substitute amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

At the request of Senator Mathewson, **HS** for **HCS** for **HBs 924, 714, 685, 756, 734 and 518**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 288**, entitled:

An Act to repeal sections 59.040, 59.041, 59.050, 59.090, 59.100, 59.130, 59.250, 59.255, 59.257, 59.260, 59.300, 347.189, 347.740, 351.120, 351.127, 351.220, 351.268, 351.410, 351.415, 351.430, 351.435, 351.440, 351.458, 351.478, 351.482, 355.023, 356.233, 359.653, 400.1-105, 400.1-201, 400.2-103, 400.2-210, 400.2-326, 400.2-401, 400.2-502, 400.2-716, 400.2A-103, 400.2A-303, 400.2A-307, 400.2A-309, 400.4-210, 400.7-503, 400.8-103, 400.8-106, 400.8-110, 400.8-301, 400.8-302, 400.8-510, 400.9-101, 400.9-102, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-107, 400.9-108, 400.9-109, 400.9-110, 400.9-111, 400.9-112, 400.9-113, 400.9-114, 400.9-115, 400.9-116, 400.9-201, 400.9-202, 400.9.203, 400.9-204, 400.9-205, 400.9-206, 400.9-207, 400.9-208, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-306, 400.9-307, 400.9-308, 400.9-309, 400.9-310, 400.9-311, 400.9-312, 400.9-313, 400.9-314, 400.9-315, 400.9-316, 400.9-317, 400.9-318, 400.9-401, 400.9-402, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-501, 400.9-502, 400.9-503, 400.9-504, 400.9-505, 400.9-506, 400.9-507, 400.9-508 and 417.018, RSMo 2000 relating to business procedures regulated by the secretary of state and related matters, and to enact in lieu thereof one hundred ninety new sections relating to the same subject, with an emergency clause.

With House Amendments Nos. 1, 2, 3, House Substitute Amendment No. 1 for House Amendment No. 6 and House Amendment No. 7.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Section A, Page 4, Line 4, by inserting all the following immediately after said line:

"28.681. 1. Any statement, document or notice required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, except any document or judicial decree relating to his or her statutory or constitutional duties relating to elections, may be filed, transmitted, stored and maintained in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need be submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice **filed with the secretary of state** be signed by any person shall be satisfied by an electronically transmitted **identification in a format prescribed by the secretary of state**. [signature that is:

- (1) Unique to the person using it;
- (2) Capable of verification;
- (3) Under the sole control of the person using it;
- (4) Linked to the document in such a manner that if the data is changed, the signature is invalidated; and
- (5) Intended by the party using it to have the same force and effect as the use of a manual signature.]

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated [digital signature] **identification in a format prescribed by the secretary of state**. The execution of any statement, document or notice [with a digital signature] pursuant to this subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly

authorized to execute such statement, document or notice, or are otherwise required to file such statement, document or notice.

4. The secretary of state may promulgate rules pursuant to the provisions of Section 536.024, RSMo, to effectuate the provisions of this section.

[28.681. 1. Any statement, document or notice, except any document or judicial decree relating to the secretary of state's statutory or constitutional duties regarding elections, required or permitted to be filed with or transmitted by the secretary of state, or any judicial decree requiring the filing of such document, may be filed, transmitted, stored and maintain in an electronic format prescribed by the secretary of state. No statement, document or notice submitted or filed in an electronic format need e submitted or filed in duplicate. Nothing in this section shall require the secretary of state to accept or transmit any statement, document or notice in an electronic format.

2. Any statutory requirement that a statement, document or notice be signed by any person shall be satisfied by an electronically transmitted signature that is:

- (1) Unique to the person using it;
- (2) Capable of verification;
- (3) Under the sole control of the person using it;
- (4) Linked to the document in such a manner that if the data are changed, the signature is invalidated; and
- (5) Intended by the party using it to have the same force and effect as the use of a manual signature.

3. Any requirement that a statement, document or notice filed with the secretary of state be notarized may be satisfied by a properly authenticated digital signature. The execution of any statement, document or notice with a digital signature pursuant to this subsection constitutes an affirmation under penalty of perjury that the facts stated therein are true and that such person or persons are duly authorized to execute such statement, document or notice or are otherwise required to file such statement, document or notice.]; and

Further amend said house substitute, Section 417.018, Page 271, Line 1, by inserting all the following immediately after said line:

"Section 1. The Secretary of State may adopt rules to authorize the electronic facsimile filing of any document filed with the Secretary under any provision administered by the Secretary. The rules may set forth standards for the acceptance of a form of signature other than the proper handwriting of a person. A signature or document filed by electronic facsimile in accordance with rules promulgated pursuant to this section shall be prima facie evidence for all purposes that the document actually was signed by the person whose signature appears on the facsimile."; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Section 59.800, Page 11, Line 16, by deleting "**seven**" and inserting in lieu thereof "**five**"; and

Further amend said section, Page 11, Line 20, by deleting "**fifty**" and inserting in lieu thereof "**twenty-five**"; and

Further amend said section, Page 12, Line 2, by deleting all of said line and inserting in lieu thereof "**(2) One dollar and seventy-five cents to the county general revenue fund; and**"; and

Further amend said section, Page 12, Lines 3-10, by deleting all of said lines; and

Further amend said section, Page 12, Line 11, by deleting all of said line and inserting in lieu thereof "**(3) Two dollars to the fund established in**"; and

Further amend said section, Page 12, Line 16, by deleting "**(4)**" and inserting in lieu thereof "**(3)**"; and

Further amend said section, Page 12, Line 20, by inserting "**or have heretofore elected**" after "**elect**"; and

Further amend said section, Page 12, Line 22, by deleting "**(1), (2) and (3)**" and inserting in lieu thereof "**(1) and (2)**"; and

Further amend said section, Page 12, Line 23, by deleting "**sixty**" and inserting in lieu thereof "**fifty-five**"; and

Further amend said section, Page 13, Line 3, by inserting "**or has heretofore elected**" after "**elects**"; and

Further amend said section, Page 13, Line 5, by deleting "**sixty**" and inserting in lieu thereof "**fifty-five**"; and

Further amend said section, Page 13, line 6, by deleting "**(1), (2) and (3)**" and inserting in lieu thereof "**(1) and (2)**"; and

Further amend said house substitute, Section 400.9-525, Page 217, Line 18, by deleting "**five**" and inserting in lieu thereof "**twelve**"; and

Further amend said section, Page 217, Line 20, by deleting "**rule;**" and inserting in lieu thereof the following:

"rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees' retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general revenue fund of that charter county or city not within a county;"; and

Further amend said section, Page 218, Line 4, by deleting "**five**" and inserting in lieu thereof "**twelve**"; and

Further amend said section, Page 218, Line 6, by deleting "**rule;**" and inserting in lieu thereof the following:

"rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees' retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general revenue fund of that charter county or city not within a county;"; and

Further amend said section, Page 218, Line 16, by deleting "**fifteen**" and inserting in lieu thereof "**twenty-two**"; and

Further amend said section, Page 218, Line 18, by deleting "**rule;**" and inserting in lieu thereof the following:

"rule, of which fee seven dollars is received and collected by the secretary of state on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo., provided, however, that in any charter county or city not within a county whose employees are not members of the county employees' retirement fund, the fee collected for the county employees retirement fund established pursuant to section 50.1010, RSMo, shall go to the general revenue fund of that charter county or city not within a county;"; and

Further amend said section, Page 219, Line 3, by inserting all the following immediately after said line:

"(f) The secretary of state shall administer a special trust fund, which is hereby established, to be known as the "Uniform Commercial Code Transition Fee Trust Fund", and which shall be funded by seven dollars of each of the fees received and collected pursuant to subdivisions (a), (b) and (c) of this section on behalf of the county employees retirement fund established pursuant to section 50.1010, RSMo. or the general revenue fund of any

charter county or city not within a county whose employees are not members of the county employees' retirement fund.

(1) The secretary of state shall keep accurate record of the moneys in the uniform commercial code transition fee trust fund allocated to each county and city not within a county on the basis of where such record, financing statement or other document would have been filed prior to the effective date of this act, and shall distribute the moneys pursuant to subdivision (2) of this subsection on that basis.

(2) The moneys in the uniform commercial code transition fee trust fund shall be distributed to the county employees retirement fund established pursuant to section 50.1010, RSMo. or the general revenue fund of any charter county or city not within a county whose employees are not members of the county employees' retirement fund

(3) The moneys in the uniform commercial code transition fee trust fund shall not be deemed to be state funds, provided, however that interest, if any, earned by the money in the trust fund shall be deposited into the general revenue fund in the state treasury."; and

Further amend said house substitute, Section 400.9-710, Page 270, Lines 5-6, by deleting "**June 30, 2001**" and inserting in lieu thereof "**the effective date of this act**"; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Page 5, Section 59.042, Line 20, by deleting the number "1."; and

Further amend said bill, Page 6, Section 59.042, Lines 1 through 19, by deleting all of said lines; and

Further amend said bill, Page 6, Section 59.043, Line 22, by inserting between the words "the" and "November" the word "next"; and

Further amend said line by placing an opening bracket in front of the word "following"; and

Further amend said bill, Page 7, Section 59.043, Line 1, by placing a closing bracket after the word "clerk,".

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Page 271, Line 1, by adding a new section after said line as follows:

"431.202. 1. A reasonable covenant in writing promising not to solicit, recruit, hire or otherwise interfere with the employment of one or more employees shall be enforceable and not a restraint of trade pursuant to subsection 1 of section 416.031, RSMo, if:

(1) Between two or more corporations or other business entities seeking to preserve workforce stability (which shall be deemed to be among the protectable interests of each corporation or business entity) during, and for a reasonable period following, negotiations between such corporations or entities for the acquisition of all or a part of one or more of such corporations or entities;

(2) Between two or more corporations or business entities engaged in a joint venture or other legally permissible business arrangement where such covenant seeks to protect against possible misuse of confidential or trade secret business information shared or to be shared between or among such corporations or entities;

(3) Between an employer and one or more employees seeking on the part of the employer to protect:

(a) Confidential or trade secret business information; or

(b) Customer or supplier relationships, goodwill or loyalty, which shall be deemed to be among the protectable interests of the employer; or

(4) Between an employer and one or more employees, notwithstanding the absence of the protectable interests described in subdivision (3) of this subsection, so long as such covenant does not continue for more than one year following the employee's employment; provided, however, that this subdivision shall not apply to covenants signed by employees who provide only secretarial or clerical services.

2. Whether a covenant covered by this section is reasonable shall be determined based upon the facts and circumstances pertaining to such covenant, but a covenant covered exclusively by subdivision (3) or (4) of subsection 1 of this section shall be conclusively presumed to be reasonable if its post-employment duration is no more than one year.

3. Nothing in this subdivision (3) or (4) of subsection 1 of this section is intended to create, or to affect the validity or enforceability of, employer-employee covenants not to compete.

4. Nothing in this section shall preclude a covenant described in subsection 1 of this section from being enforceable in circumstances other than those described in subdivisions (1) to (4) of subsection 1 of this section, where such covenant is reasonably necessary to protect a party's legally permissible business interests.

5. Nothing in this section shall be construed to limit an employee's ability to seek or accept employment with another employer immediately upon, or at any time subsequent to, termination of employment, whether said termination was voluntary or non-voluntary.

6. This section shall have retrospective as well as prospective effect."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 288, Section 59.041, Page 5, Line 12, by inserting **"1."** before "Notwithstanding"; and

Further amend said section, Page 5, Line 19, by inserting all the following immediately after said line:

"2. Notwithstanding the provisions of this chapter or chapter 478, RSMo., or any other provision of law in conflict with the provisions of this section, in any county of the third classification without a township form of government and having a population of more than 27,600 but less than 28,600 and wherein the offices of the District I circuit clerk and recorder of deeds are combined, the circuit court shall appoint such circuit clerk ex officio recorder of deeds. The circuit court may recommend to the governing body of such county whether the combined offices of the District I circuit clerk and recorder of deeds should be separated pursuant to subsection 1 of section 59.042; provided however, that if the governing body of such county authorizes the separation of offices and notwithstanding the provisions of subsection 2 of section 59.042, the office of District I clerk of the circuit court shall remain appointed by the circuit court."; and

Further amend the title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HS** for **HCS** for **SB 365**, entitled:

An Act to repeal sections 67.1003, 67.1300, 67.1360, 67.1775, 71.640, 94.812, 210.861 and 311.178, RSMo 2000, section 67.571 as truly agreed to and finally passed by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bills nos. 323 and 230, ninety-first general assembly, first regular session, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and to enact in lieu thereof thirty-six new sections relating to local taxes and tourism.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Amendments Nos. 2, 3, 4 and 6.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 67, Section 311.178, Line 24 of said page, by deleting all of said line and inserting in lieu thereof the following: **"the following day."**; and

Further amend said bill Page 68, Section 311.178, Lines 1 to 5 of said page, by deleting all of said lines and inserting in lieu thereof the following: **"The time of opening on Sunday may be 11:00 a.m."**; and

Further amend said bill Page 68, Section 311.178, Line 13 of said page by deleting all of said line and inserting in lieu thereof the following: **"equals one hundred thousand dollars or more;"**; and

Further amend said bill Page 68, Section 311.178, Line 18 of said page by deleting all of said line and inserting in lieu thereof the following: **"meeting space and having a restaurant located on the premises; and**

(3) The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of liquor control and shall provide a practical method for the division of liquor control and other law enforcement agencies to enforce the provisions of subsection 3 of this section.

3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort."; and renumber subsections accordingly; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 10, Section 67.576, Line 9, by deleting from said line the number **"144.510"** and inserting in lieu thereof the following: **"144.525"**; and

Further amend said bill, Page 10, Section 67.576, Line 15, by deleting from said line the number **"144.510"**; and inserting in lieu thereof the following: **"144.525"**; and

Further amend said bill, Page 10, Section 67.576, Line 19, by deleting from said line the number **"144.510"**; and inserting in lieu thereof the following: **"144.525"**; and

Further amend said bill, Page 11, Section 67.576, Line 8, by deleting from said line the number **"144.510"**; and inserting in lieu thereof the following: **"144.525"**; and

Further amend said bill, Page 11, Section 67.576, Line 23, by deleting from said line the number "**144.510**"; and inserting in lieu thereof the following: "**144.525**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 3, Section A, Line 1, by inserting after all of said line the following:

"26.730. 1. There is hereby established within the office of the lieutenant governor a "Missouri Multicultural Center and Program", which shall serve as an all-purpose all-encompassing resource for local political subdivisions and government agencies, including but not limited to counties, municipalities, judicial circuits, law enforcement agencies, school districts, public health agencies or any other political subdivisions or local government agencies, state governmental agencies, nongovernmental community agencies, businesses, advocacy groups, immigrants, refugees and international tourists in this state. The center and program, as directed by the multicultural citizens' advisory committee, may develop outreach materials, in various formats, and shall serve as a communications link to direct persons to where materials are available, which describe the resources, opportunities, informational sites or other informational sources that the committee determines would be of assistance to the entities listed in this subsection. The materials and links described in this subsection shall, at minimum, be made available in electronic format, or in any other form the committee deems appropriate. The center and program may contract, subject to approval by the office of administration, for the provision of the information and services described in this subsection with any higher educational facility in the state or any other outside source it deems capable of adequately providing such services and information.

2. There is hereby established within the office of the lieutenant governor a "Multicultural Citizens' Advisory Committee", which shall develop and implement, or facilitate the development and implementation of, the program authorized pursuant to subsection 1 of this section. The committee shall consist of twenty-five members, to be appointed as follows:

- (1) Five persons employed by state executive departments, one from each of the following five departments, to be designated by the director of the appropriate department: elementary and secondary education, social services, health, economic development and public safety;**
- (2) Four members of the general assembly, as follows:**
 - (a) Two members of the house of representatives appointed by the speaker of the house of representatives, one from each major political party; and**
 - (b) Two members of the senate appointed by the president pro tem of the senate, one from each major political party;**
- (3) Fifteen citizens of this state who work directly with the multicultural population of this state, appointed by the lieutenant governor; and**
- (4) The lieutenant governor, who shall serve as an ex officio member of the committee.**

3. The initial members of the committee shall be appointed between September 1, 2001, and December 31, 2001. Beginning January 1, 2002, all appointees shall become members of the committee, and the lieutenant governor shall cause the committee to meet no later than sixty days after that date. Upon the first meeting constituting a quorum of the committee, the committee shall select one of its members as chair. The chair shall serve as chair for two years, and the committee may reappoint the chair for an additional term or select a new chair at the expiration of such term. The committee shall meet on a regular basis until the program described in this section has been developed, and then the committee shall meet only as needed. The members of the committee shall serve four-year terms, except that the first term of the following members shall be for two years:

- (1) The members appointed by the department of economic development and the department of public safety;**
- (2) One member appointed by the speaker of the house of representatives and one member appointed by the president pro tem of the senate, as selected by the speaker and the president pro tem prior to the appointment of the committee member;**
- (3) Eight members appointed by the governor, as selected by the governor prior to the appointment of the committee member.**
- 4. Vacancies on the committee shall be filled as soon as is practicable by the person charged with the appointment of the person who vacated the position. Members of the committee shall not be compensated for their duties as members, but shall receive reimbursement for all actual and necessary expenses incurred in the course of performing such duties, provided that the lieutenant governor shall not receive such expenses.**
- 5. The committee shall submit to the lieutenant governor a list of three names, one of which the lieutenant governor shall employ as an executive director, who shall serve as the executive officer of the committee. As a priority, the director shall have a background and knowledge of the experiences and transition faced by individuals with multicultural backgrounds moving to Missouri and international tourists visiting in Missouri. The salary and office space for the executive director, as well as the expenses for committee hearings, shall be provided by the office of the lieutenant governor."; and**

Further amend said bill, Page 58, Section 311.178, Line 58, by inserting after all of said section the following:

"Section B. Because immediate action is necessary to provide full, meaningful and expedited access for immigrants and refugees to the public services of this state, section 26.730 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 26.730 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 59, Section 135.200, Line 9, by inserting after all of said line the following:

"311.094. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, between the hours of 11:00 a.m. and midnight on Sunday by the drink at retail for consumption on the premises of any establishment located in an international airport and owned or leased, and operated by an airline.

2. The authority for the collection of fees by cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to an international airport license in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, an international airport shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 365, Page 1, In the Title, Line 27 of said page, by inserting after the word "tourism" the following: ", with an effective date for a certain section"; and

Further amend said bill, Page 63, Section 135.200, Line 12 of said page, by inserting after all of said line the following:

"137.102. 1. This section shall be known and may be cited as "The Missouri Homestead Preservation Act".

2. As used in this section, the following terms mean:

(1) "Homestead", the owner's principal residence and the adjacent real property not to exceed five acres of land as is reasonably necessary for use of the residence as a dwelling home; and

(2) "Owner", a person who holds possession and unconditional fee simple title in the subject residential property, whether individually, or as one or more tenants by the entireties, joint tenants, or tenants in common, and who declared ownership of the property on each of the five immediately preceding annual property declaration statements, and who actually paid the five immediately preceding annual property tax assessments.

3. Beginning in any tax year which begins on or after January 1, 2002, the assessed value of property in class 1, excluding any value added by new construction or improvements, owned by any owner who is sixty-five years of age or older and who has used that property as a homestead for a period of five years or longer shall not increase during the period of time that owner resides on that property after attaining the age of sixty-five years."; and

Further amend said bill, Page 70, Section 1, Line 5 of said page, by inserting after all of said line the following:

"Section B. The enactment of section 137.102 of section A of this act shall become effective January 1, 2002, and shall apply to all taxable years beginning after December 31, 2001."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 462**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 462**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended. Representatives: Hollingsworth, Britt, Campbell, Ridgeway and Crowell.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede

from its position on **HS** for **HCS** for **SCS** for **SB 266**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 266**, as amended. Representatives: Barry, Smith, Kennedy, Holand and Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SCS** for **SB 393**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **SCS** for **SB 393**, as amended. Representatives: Treadway, Johnson (90), Shoemyer, Bartelsmeyer and Holand.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended: Senators Sims, Bentley, Klarich, Johnson and Dougherty.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SB 393**, as amended: Senators Sims, Singleton, Bentley, Wiggins and Bland.

REFERRALS

President Pro Tem Kinder referred **SCS** for **HB 662**, as amended, to the Committee on State Budget Control.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on May 1, 2001 for your advice and consent:

Audrey R. Jones, Democrat, 19 Washington Terrace, St. Louis City, Missouri 63112, as Chairperson and member of the Board of the Election Commissioners for St. Louis City, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Floyd A. Kimbrough, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on May 1, 2001 for your advice and consent:

Richard W. Sullivan, Democrat, 3847 Rue de Renard, Florissant, St. Louis County, Missouri 63034, as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on May 1, 2001 for your advice and consent:

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Joseph Neill, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on May 1, 2001 for your advice and consent:

Pamela S. Wright, Republican, 893 Alanson, University City, St. Louis County, Missouri 63132, as Secretary and member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, John Moten, Jr., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 15, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on May 1, 2001 for your advice and consent:

Judy A. Zakibe, Republican, 3216 Regal Place, St. Louis City, Missouri 63139, as Secretary and member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Edward E. Ottinger, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 266**, as amended: Senators Bland, Stoll, Steelman, Westfall and Sims.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 823, regarding World No Tobacco Day, which was adopted.

Senator Rohrbach offered Senate Resolution No. 824, regarding Captain Bill Swineburg, Lake Ozark, which was adopted.

Senators Rohrbach and Russell offered Senate Resolution No. 825, regarding Father John F. Degnan, St. Elizabeth, which was adopted.

Senator DePasco offered Senate Resolution No. 826, regarding Carl DiCapo and John David DiCapo, Kansas City, which was adopted.

Senator Loudon offered Senate Resolution No. 827, regarding Union Planter's Bank, which was adopted.

Senator Stoll offered Senate Resolution No. 828, regarding the Fifth Wedding Anniversary of Mr. and Mrs. Timothy Robert Koch, Fenton, which was adopted.

Senator Caskey offered Senate Resolution No. 829, regarding Leonard L. Smith, Jr., Kansas City, which was adopted.

Senator Caskey offered Senate Resolution No. 830, regarding Curtis Dale Lashley, Kansas City, which was adopted.

MESSAGES FROM THE GOVERNORThe following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 16, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 443 entitled:

AN ACT

To repeal section 306.165, RSMo 2000, relating to water patrol officers, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On May 16, 2001, I approved said Senate Bill No. 443.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 16, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 224 entitled:

AN ACT

To amend chapter 67, RSMo, by adding thereto twenty new sections relating to law enforcement districts, with an emergency clause.

On May 16, 2001, I approved said Senate Bill No. 224.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 16, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 431 entitled:

AN ACT

To authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

On May 16, 2001, I approved said Senate Committee Substitute for Senate Bill No. 431.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, the Physician of the Day, Jennifer L. Scheer, M.D., Gerald.

Senator Staples introduced to the Senate, Kyle Richardson; his parents, Susan and Jack; and his brother, Clark, Farmington.

Senator Bland introduced to the Senate, Jerry Kline, Jan Ropcke, Dave Marino and Robert Lowe, Kansas City.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Thursday, May 17, 2001.

SENATE CALENDAR

SEVENTY-FIFTH DAY-THURSDAY, MAY 17, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334

& 228-Kinder (In Budget Control)

SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS

HOUSE BILLS ON THIRD READING

HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

HS for HCS for HB 824-

Abel (Mathewson)

(In Budget Control)

HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

HS for HB 736-Liese,

with SCS (Yeckel)

(In Budget Control)

HCS for HJR 7, with

SCS (Staples)

(In Budget Control)

HS for HB 555-Foley,

with SCS (Scott)

(In Budget Control)

HS for HB 349-Hosmer,

with SCS (Sims)

(In Budget Control)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3

(pending)

SBs 238 & 250-Staples, et
al, with SCS (pending)

SB 239-Stoll, with SCS &
SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with
SCS (pending)

SB 331-DePasco, et al,
with SCS & SS for SCS
(pending)

SB 373-Gibbons and Yeckel,
with SCS

SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

SB 438-Bentley and Stoll,
with SS, SS for SS &
SA 1 (pending)

SB 445-Singleton, with
SCS & SS for SCS
(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,
with SCS

SBs 459, 305, 396 & 450-
Westfall, with SCS &
SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al, with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al, with SCS

SB 583-Yeckel

SB 593-Klindt, with SCS

SJR 11-Yeckel

HOUSE BILLS ON THIRD READING

HCS for HB 50, with SCS

(Stoll)

HB 70-Koller, with SCA 1

(Staples)

HB 133-Gambaro, with SCS

(Yeckel)

HB 185-Legan, et al, with

SCS (Gross)

HS for HCS for HBs 237,

270, 403 & 442-Smith,

with SCA 1 (Yeckel)

HB 249-Treadway, with SCS

(Kinder)

HB 285-Riback Wilson, et al,

with SS, SS for SS, SA 8

& point of order (pending)

(Jacob)

HS for HCS for HB 327-

Rizzo, with SCS (Quick)

HS for HCS for HBs 328 &

88-Harlan, with SCS (Sims)

HB 385-Franklin, with SCS,

SS for SCS & SA 8

(pending) (Foster)

HB 436-Merideth, et al (Childers)

HB 444-Kreider, et al,

with SCA 1 (Wiggins)

HS for HCS for HB 488-

Koller, with SCS (Childers)

HB 501-Bowman, et al,

with SCS (Steelman)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HCS for HB 581, with SCS

(Klindt)

SCS for HB 662-Green (73)

and St. Onge (Foster)

(In Budget Control)

HB 678-Seigfreid, with

SCS (pending) (Mathewson)

HS for HCS for HB 762-

Barry, with SCS, SS for

SCS, SA 8 & SSA 1 for

SA 8 (pending)

(Sims and Stoll)

HCS for HB 780, with SCS

(Kenney)

HS for HCS for HBs 835,

90, 707, 373, 641, 510,

516 & 572-Britt, with

SCS (Caskey)

HS for HB 882-Crump, with

SCS (Singleton)

HS for HCS for HBs 924,

714, 685, 756, 734 &

518-Wiggins, with SCS

& SS for SCS (pending)

(Mathewson)

HB 949-Barry, with SCS,

SS#2 for SCS, SA 1 &

point of order (pending)

(Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with SS,

SA 1 & point of order

(pending) (Yeckel) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al
(Stoll)

SENATE BILLS WITH HOUSE AMENDMENTS

SB 288-Klarich, with HS

for HCS, as amended

SB 307-Jacob, with HCS

SB 365-Steelman, with HS

for HCS, as amended

SCS for SB 617-Steelman,

with HS for HCS, as

amended

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 48-Sims,

with HS for HCS, as amended

SB 72-Loudon, with HS for

HCS, as amended

SCS for SB 151-Childers,

with HCS

(Senate adopted CCR#2

and passed CCS#2)

SS for SB 193-Rohrbach,

with HCS, as amended

(Senate adopted CCR
and passed bill)
SCS for SB 236-Sims, with
HS for HCS, as amended
SCS for SB 266-Bland, et al,
with HS for HCS, as amended
SB 274-Caskey, with HCS

(Senate adopted CCR
and passed CCS)
SB 304-Klarich, with HCS
SB 319-Carter, with HCS,
as amended

(Senate adopted CCR
and passed CCS)
SS for SCS for SB 369-
Steelman, with HS for
HCS, as amended
SCS for SB 393-Sims, with
HS, as amended

SB 460-Klarich, with HS
for HCS, as amended
SB 610-Westfall, with HCS
HCS for HBs 205, 323 &
549, with SCS (Childers)

HCS for HB 241, with SCS,
as amended (Caskey)
HCS for HBs 302 & 38,
with SCS, as amended
(Westfall)

HS for HB 421-Hoppe, with

SS for SCS, as amended

(Kinder)

(House adopted CCR

and passed CCS)

HB 453-Ransdall, et al,

with SS for SCS, as

amended (Steelman)

HB 621-Gratz and Vogel,

with SCA 1 & SA 1

(Rohrbach)

Requests to Recede or Grant Conference

SS for SB 244-Staples,

with HCS, as amended

(Senate requests House

recede or grant conference)

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3 (pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt (House)

SR 495-Klarich, with SCS

SCR 34-Sims, with SCA 1 Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIFTH DAY--THURSDAY, MAY 17, 2001

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious and Heavenly Father, we thank You for bringing us to the beginning of this new day and pray You will be with us as we face the challenges that will come to us. We see the finish line, Lord; yet in this final stretch is when we encounter the greatest stresses that strain the body and mind. So we pray that You will provide us the strength we need to finish what we must do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Jefferson City News Tribune, KOMU-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 831, regarding Christina Porter, which was adopted.

Senator Quick offered Senate Resolution No. 832, regarding Jeff Willmuth, Kearney, which was adopted.

Senator Quick offered Senate Resolution No. 833, regarding Jared Shane Babbitt, Kearney, which was adopted.

Senator Quick offered Senate Resolution No. 834, regarding Daniel Seth Stotts, Kearney, which was adopted.

PRIVILEGED MOTIONS

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on

HS for **HCS** for **SS** for **SCS** for **SB 369**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 369

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369 with House Amendment No. 1, House Amendment No. 2, House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 7 and House Amendment No. 8, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 369;
- 3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Sarah H. Steelman	/s/ Patrick O'Connor
/s/ Stephen Stoll	/s/ Carol Jean Mays
/s/ John E. Scott	/s/ James P. O'Toole
/s/ David J. Klarich	/s/ Gary Burton
/s/ David G. Klindt	/s/ Shannon Cooper

Senator Steelman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bland	Cauthorn	Dougherty	Foster
Gibbons	Gross	House	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Scott	Sims
Staples	Steelman	Stoll	Yeckel--20
NAYS--Senators			
Bentley	Caskey	Childers	DePasco
Goode	Jacob	Johnson	Russell
Schneider	Singleton	Westfall	Wiggins--12
Absent--Senator Rohrbach--1			
Absent with leave--Senator Carter--1			

On motion of Senator Steelman, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 369**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 369

An Act to amend chapter 67, RSMo, by adding thereto nine new sections relating to utility access to public rights-of-way.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bland	Cauthorn	Dougherty	Foster
Gibbons	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Scott	Sims
Staples	Steelman	Stoll	Yeckel--20

NAYS--Senators

Bentley	Caskey	Childers	DePasco
Goode	Johnson	Mathewson	Quick
Russell	Schneider	Singleton	Westfall

Wiggins--13

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 244**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HCS** for **SS** for **SB 244**, as amended. Representatives Koller, Crump, Green 15, Kelly 144 and Ross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HS** for **HCS** for **SS** for **SCS** for **SB 226**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto nine new sections relating to a life sciences research program.

With House Amendment No. 1, House Substitute Amendment No. 1 for House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendments Nos. 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 3, Section 192.1010, Line 7, by inserting after the word "safety" the following "**and human**"; and

Further amend said bill, Page 3, Line 17, by deleting the words "this program" and insert in lieu thereof the words "**the grant**"; and

Further amend said bill, Page 3, Line 20 and 21, by deleting "The department of health shall not approve"; and

Further amend said bill, Line 21, by inserting after the word "award" the following "**shall not be approved**"; and

Further amend said bill, Page 4, Line 11, by inserting at the end of said line the following; "**At least eighty percent of the funds that are appropriated to the board in each fiscal year shall be distributed to the institutions or organizations whose programs and proposals have been recommended by a center for excellence. Collectively, the institutions or organizations within a single center for excellence shall receive in any one fiscal year no more than fifty percent of the funds appropriated to the board for that fiscal year. Collectively, the institutions or organizations within a single center for excellence shall receive in any one fiscal year no less than ten percent of the funds appropriated to the board for that fiscal year. No single institution or organization shall receive in any consecutive fiscal three-year period more than forty percent of the funds appropriated to the board during such three-year period. In a fiscal year no more than 10% of the funds may be used for physical facilities.**"; and

Further amend said bill, Section 192.1012, Page 5, Line 7, by deleting the word "may" and inserting in lieu thereof the word "**shall**" and on same line by deleting the word "if" and inserting in lieu thereof the word "**when**"; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 9, Section 192.1025, Line 17 of said page, by inserting after all of said lines and inserting in lieu thereof the following:

"192.1035. 1. Notwithstanding the provisions of sections 192.1010 to 192.1025, no grant awards shall be paid, granted or used to subsidize in whole or in part:

(1) Abortion services; or

(2) Development of drugs or chemicals intended to be used to induce an abortion; or

(3) Human cloning; or

(4) Prohibited human research.

2. For purposes of this section, the following terms mean:

- (1) "Abortion services", performing or inducing, assisting in performing or inducing, or referring a woman for an abortion, except when necessary to save the life of the mother;**
- (2) "Child", if in vivo, the same as an unborn child as defined in section 188.015, RSMo, and if in vitro, a human being at any of the stages of biological development of an unborn child from conception or inception onward;**
- (3) "Conception", the same as defined in section 188.015, RSMo;**
- (4) "Facilities and administrative costs", those costs that are incurred for common or joint objectives and therefor cannot be identified readily and specifically with a particular research project or any other institutional activity;**
- (5) "Grant awards", awards of state funds pursuant to sections 192.1010 to 192.1035;**
- (6) "Human cloning", the replication of a human being genetically identical to another human being;**
- (7) "Prohibited human research", research in a proposed research project in which there is the taking or utilization of the organs, tissue or cellular material of a:
 - (a) Deceased child, unless consent is given in the manner provided in sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent cause the death of such child or consented to another person causing the death of such child;**
 - (b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;****
- (8) "Research project", research specified in the grant award conducted under the auspices of the institution or institutions that applied for and received such grant award pursuant to sections 192.1010 to 192.1035, regardless of whether the research is funded in whole or part by such grant award. Such research shall include basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and development research and clinical research, including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease, and nutrition and food safety.**

3. No grant awards shall be paid or granted pursuant to sections 192.1010 to 192.1035 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, development of drugs or chemicals intended to be used to induce an abortion, human cloning or prohibited human research. A research project that receives a grant award shall not share costs with another research project, person or entity not qualified to receive a grant award pursuant to sections 192.1010 to 192.1035; provided, however, the research project that receives a grant award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 192.1015 shall also certify compliance with this section.

4. The grant application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of sections 192.1010 to 192.1035. The life sciences research board shall not approve a grant award unless the board makes specific written findings that such research project shall be conducted in compliance with sections 192.1010 to 192.1035. The grant application and the grant award shall be a public record within the meaning of chapter 610, RSMo. The board shall promulgate rules in accordance with chapter 536, RSMo, to implement the provisions of this subsection.

5. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the department of health, members of the board, and the officers and employees of the department and the board in any circuit

court with jurisdiction to enforce the provisions of this section.

6. Sections 192.1010 to 192.1035 shall not be construed to permit or make lawful any conduct that is otherwise unlawful pursuant to the laws of this state.

7. All of the provisions of sections 192.1010 to 192.1025 are severable; provided, however, the provisions of this section are not severable from the provisions of sections 192.1010 to 192.1025. If any provision of sections 192.1010 to 192.1025 is found to be invalid, unenforceable or unconstitutional, the remaining provisions of sections 192.1010 to 192.1025 shall be and remain valid. However, if any provision of this section is found to be invalid, unenforceable or unconstitutional, all of the provisions of sections 192.1010 to 192.1025 shall be invalid and unenforceable."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 1, Section 192.1010, Lines 16 to 18 of said page, by deleting all of said lines and inserting in lieu thereof the following: **"consist of grant awards from moneys appropriated from the life sciences and medical research account established pursuant to section 196.1090, RSMo. The grant awards shall be designed to achieve the"**; and

Further amend said bill, Page 8, Section 192.1015, Lines 5 and 6 of said page, by deleting the words **"research fund"** and inserting in lieu thereof the following: **"medical research account"**; and

Further amend said bill, Page 8, Section 192.1015, Line 8 of said page, by deleting the words **"research fund"** and inserting in lieu thereof the following: **"medical research account"**; and

Further amend said bill, by inserting at the appropriate location the following:

"196.1075. 1. As used in sections 196.1075 to 196.1105, the following terms mean:

(1) "Account", an account within the health care trust fund created in subsection 2 of this section;

(2) "Health care trust fund", the fund created in subsection 2 of this section;

(3) "MSA", the master settlement agreement entered into on November 23, 1998, as amended, in the tobacco case;

(4) "Tobacco case", the case of *State of Missouri ex rel. Jeremiah W. (Jay) Nixon, Attorney General v. The American Tobacco Company, Inc., et al.*, case number 972-1465, filed in the circuit court of the City of St. Louis, state of Missouri;

(5) "Tobacco claim", any claim of the state of Missouri for conduct, acts or omissions arising out of or in any way related, in whole or in part, to the use, sale, distribution, manufacture, development, advertising, marketing or health affects of tobacco products; the exposure to tobacco products; or research, statements or warnings regarding the potential adverse affects of tobacco use, including those asserted in the tobacco case and any claims of the same or similar nature against any person or entity, including but not limited to the defendants in the tobacco case, provided that a claim of the state of Missouri for taxes or licensure fees shall not be considered a tobacco claim;

(6) "Tobacco claim payment", any moneys or proceeds of any moneys, including interest thereon, paid into the state treasury as a result of a tobacco claim, including but not limited to a payment to the state of Missouri

pursuant to the MSA or any other tobacco claim settlement, award or judgment. Tobacco claim payment shall include any moneys paid into the state treasury that results in a direct offset or reduction of moneys received into the state treasury pursuant to the MSA or any other tobacco claim settlement, award or judgment.

2. The first fifty million dollars of tobacco claim payments shall be deposited in an endowment fund to be known as the "Fund for Missouri's Future". The state treasurer shall invest moneys in the fund in the same manner as surplus funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of the moneys in the fund for Missouri's future shall be credited to such fund until the corpus of the fund reaches one billion dollars. Moneys constituting the corpus of the fund shall not be appropriated without a two-thirds vote of the members elected to each house of the general assembly as authorized by a concurrent resolution. Once the corpus of the fund reaches one billion dollars, earnings on the corpus shall be subject to appropriation. A separate and special trust fund to be known as the "Health Care Trust Fund" is hereby created in the state treasury. All tobacco claim payments received by the state after the initial fifty million dollars is deposited in the fund for Missouri's future as provided in this subsection and all earnings resulting from the investment of the moneys in the fund for Missouri's future after the corpus of such fund reaches one billion dollars shall be deposited into the health care trust fund. All moneys received in the health care trust fund shall be allocated by appropriation or transferred into separate accounts within the health care trust fund as provided in sections 196.1075 to 196.1105 and shall be used solely for smoking prevention and cessation, early childhood and youth development care and education, prescription drug coverage and health care, and life sciences and medical research. If a transfer of the fifty million dollars into the endowment fund is made prior to the effective date of this act, it shall satisfy the provisions of this subsection and no additional transfers into the endowment fund shall be made unless as further provided by law.

3. No moneys shall be withdrawn from the health care trust fund or any account of such fund except by an appropriation or transfer for the purpose and use authorized for such fund and any applicable account. No obligation for payment of moneys so appropriated from the health care trust fund and any applicable account of such fund shall be incurred and paid unless the commissioner of the office of administration certifies it for payment and further certifies that:

- (1) The expenditure is within the purpose and use required for the health care trust fund and any applicable account;
- (2) The expenditure is within any one specific purpose or use lawfully contained within the appropriation made by the general assembly; and
- (3) There is an appropriation of an unencumbered balance within the health care trust fund and any applicable account sufficient to pay it.

At the time of issuance, each certification shall be entered on the general accounting books as an encumbrance on the appropriation.

196.1081. The "Prescription Drug Coverage and Health Care Treatment and Access Account" is hereby created within the health care trust fund. Appropriations made by the general assembly from the prescription drug coverage and health care treatment and access account, shall be used and expended solely for prescription drug coverage and health care.

196.1084. The "Tobacco Prevention, Education and Cessation Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for tobacco prevention, education and cessation, including but not limited to programs to prevent tobacco usage by minors, to prevent or reduce tobacco usage generally, and to prevent tobacco addiction.

196.1087. The "Early Childhood and Youth Development Care and Education Account" is hereby created within the health care trust fund. Moneys in the account shall be used solely for early childhood and youth development care and education, including but not limited to community grants. Appropriations made by the general assembly from the account shall be used and expended solely for the purpose provided in this section.

196.1090. The "Life Sciences and Medical Research Account" is hereby created within the health care trust fund and shall be used and expended solely for life sciences and medical research purposes.

196.1093. At least ten percent of moneys appropriated from the accounts pursuant to sections 196.1081, 196.1084, 196.1087 and 196.1090, other than moneys used for prescription drug coverage, shall be used for programs and grants that benefit minorities, women and at-risk children and communities through community based not-for-profit organizations.

196.1096. The commissioner of administration shall establish such books of account as are necessary to account for the proceeds of any tobacco claim payments made to the state of Missouri and interest thereon and shall make or refuse to make such certifications as are necessary to ensure that these funds are allocated, used and expended only for the purposes set forth in sections 196.1075 to 196.1105.

196.1099. Moneys which are appropriated from the health care trust fund for the purposes provided in sections 196.1075 to 196.1105 shall constitute additional amounts over and above any moneys that are appropriated for such purposes from general revenue as of July 1, 2001. The state shall not reduce the level of funding that was in effect on July 1, 2001, for such a purpose from general revenue sources because of the appropriation of moneys for such purpose from the health care trust fund. This section shall not apply to amounts appropriated or expended for the purposes of administering section 135.095, RSMo.

196.1102. Any moneys received by the state as a result of the tobacco settlement agreement together with interest and earnings thereon shall not be classified as "total state revenues" as defined in sections 17 and 18 of article X of the Missouri Constitution and the expenditure of such moneys shall not be an "expense of state government" pursuant to section 20 of article X of the Missouri Constitution.

196.1105. 1. The provisions of sections 196.1075, 196.1078, 196.1081, 196.1084, 196.1087, 196.1090, 196.1093, 196.1096, 196.1099 and 196.1102 shall not become effective unless a ballot measure has been submitted to and approved by the voters. The secretary of state shall submit the ballot measure at an election to be held and conducted on the Tuesday immediately following the first Monday in November, 2001.

2. The official summary statement shall be as follows:

"Authorizes deposit of tobacco settlement moneys into funds for use in smoking prevention, health care and prescription drug coverage for seniors, life sciences and medical research, early childhood and youth development care and education, and an endowment fund which would not be subject to the constitutional limit on state spending. Defeat of the referendum measure would not create the funds and the moneys shall be credited to general revenue for appropriations by the general assembly."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 10, Section 1, Line 13, by inserting after all of said line the following:

"Section 2. Notwithstanding any provisions of sections 192.1010 to 192.1025 to the contrary, the life sciences research board shall annually transfer four hundred thousand dollars to the Missouri higher education scholarship donation fund in the state treasury established in section 173.196, RSMo. Such transfer shall be used solely by the graduate fellowship program established in section 173.199, RSMo, for scholarships for any eligible person who pursues a graduate degree in the fields of chemistry, life sciences, or agricultural sciences. The provisions of this subsection shall expire on July 1, 2007."; and

Further amend the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 226, Page 3, Section 192.1010, Lines 20 and 23 of said Page, by striking the number "192.1025" and inserting in lieu thereof the number "**192.1035**" on both of said lines; and

Further amend said bill and section, Page 4, Lines 3 and 23 of said page, by striking the number "192.1025" and inserting in lieu thereof the number "**192.1035**" on both of said lines; and

Further amend said bill, Page 5, Section 192.1012, by striking the number "192.1025" and inserting in lieu thereof the number "**192.1035**"; and

Further amend said bill, Page 8, Section 192.1020, Line 19 of said page, by inserting immediately after the word "costs" on said line the words: ", **subject to the provisions of this section and Section 192.1035**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 125**, entitled:

An Act to repeal sections 50.1000, 64.170, 64.180, 64.190, 64.205, 64.850, 67.398, 67.582, 67.1545, 71.794, 77.370, 82.300, 99.847, 135.208, 135.209, 135.230, 135.478, 135.481, 135.484, 135.487, 135.530, 138.010, 138.020, 198.280, 204.300, 204.370, 214.030, 221.425, 238.060, 242.010, 242.200, 242.210, 247.224, 250.236, 260.830, 260.831, 347.189, 393.705 and 447.700, RSMo 2000, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to political subdivisions, and to enact in lieu thereof sixty-four new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 36, 38, House Substitute Amendment No. 1 for House Amendment No. 39, House Amendments Nos. 41 and 42.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 72, Section 135.530, Line 16, by inserting after all of said line the following:

"137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and

colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;

(6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place.

(7) All personal property leased for a period of at least one year to this state, any city, county or political subdivision; or to any religious, educational or charitable organization, provided such property is actually and regularly used exclusively for religious worship, for school and colleges, or for purposes purely charitable."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 6, Section 64.170, Line 21, by inserting immediately after the word "installation" the following: ", **plumbing or drain laying**"; and

Further amend said bill, Page 9, Section 64.180, Line 20, by inserting immediately after the word "agencies" the following: "**consistent with section 64.196**"; and

Further amend said bill, Page 13, Section 64.190, Line 6, by inserting immediately after all of said line the following:

"64.196. After August 28, 2001, any county seeking to adopt a building code in a manner set forth in section 64.180 shall, in creating or amending such code, adopt a current, calendar year 1999 or later edition, nationally recognized building code, as amended."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 125, Page 92, Section 214.035, Line 4, by inserting after all of said line the following:

"215.036. 1. Housing trust fund moneys shall be used to financially assist, in whole or in part by loans or grants, the development of housing stock and to provide housing assistance to persons and families with incomes at or below the levels described in [subsections] **subsection 2 [and 3]** of this section, **and to provide housing assistance and related services to tenants of qualified low-income housing projects as defined in Section 42 of the Internal Revenue Code of 1986, as amended, or any successor provision.** [At least fifty percent of the loan or grant funds awarded over each two-year period, coincident with the biennium described in section 33.080, RSMo, shall be awarded for such activities and projects for residential occupancy by persons and families with incomes at or below the levels described in subsection 3 of this section.]

2. Persons or families are eligible [under] **pursuant to** this subsection if the household combined adjusted gross income is equal to or less than the following percentages of the median family income for the geographical area:

Percent of State or Geographic

Size of Household Area Family Median Income

One person 35%

Two persons 40%

Three persons 45%

Four persons 50%

Five persons 54%

Six persons 58%

Seven persons 62%

Eight persons 66%

As used in this section, the term "geographical area" shall be based upon the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger.

[3. Persons or families are eligible under this subsection if the household combined adjusted gross income is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger:

Percent of State or Geographic

Size of Household Area Family Median Income

One person 18%

Two persons 20%

Three persons 23%

Four persons 25%

Five persons 27%

Six persons 29%

Seven persons 31%

Eight persons 33%

4. During each two-year period described in subsection 1 of this section, at least thirty percent of the funds dispersed under this act shall be allocated to housing provider organizations which qualify as a "not-for-profit" organization as defined in chapter 355, RSMo, or section 42(h)(5)(C) of the Internal Revenue Code of 1986.]

215.038. The following are projects eligible for assistance under sections 215.034 to 215.039:

(1) Limited equity cooperatives in multifamily units, which shall be considered rental housing, and the monthly cooperative fee shall be considered the rental rate, or detached units, in urban, rural, or suburban areas;

(2) Rent subsidies for newly constructed units or rehabilitated multifamily units [otherwise assisted under this act], **whether tenant-based or project-based;**

(3) Rent subsidies for existing units which are not in violation of municipal or county housing codes, **whether tenant-based or project based;**

(4) Capacity building grants for not-for-profit housing corporations, as defined in subsection 4 of section 215.036,

where the recipient serves a rural area and has been involved in housing construction, rehabilitation or services of the nature described in section 215.036 for less than four years;

(5) [Matching funds for social services directly related to special needs] **Facilities, equipment and services related to after-school learning centers, day care and continuing educational services for** tenants in assisted projects;

(6) Infrastructure improvement for eligible projects;

(7) New construction of permanent rental housing;

(8) Rehabilitation of [vacant] rental houses, or [vacant] multifamily units;

(9) New construction or rehabilitation of single-room occupancy units;

(10) New construction or rehabilitation of single-family housing;

(11) Shelters and related services for the homeless;

(12) Emergency aid such as temporary rental and mortgage payment and repairs to prevent homelessness;

(13) Provisions for rental housing for elderly and low-income residents of rural areas of Missouri by the Farmers Home Administration, or its successor agency;

(14) Mortgage insurance guarantees or payments for eligible projects; and

(15) Housing related services, including, but not limited to, home maintenance programs."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 102, Section 247.165, Line 5, by deleting the year "**1999**" and inserting in lieu thereof the following: "**1996**"; and

Further amend said bill, Page 102, Section 247.165, Line 8, by inserting after the word "**section**" the following: "**except that such territory annexed in a county of the first classification without a charter form of government and with a population of more than sixty-three thousand eight hundred but less than seventy thousand inhabitants must have been annexed between January 1, 1999, and the effective date of this section**"; and

Further amend said bill, Page 106, Section 247.165, Line 1, by inserting after all of said line the following:

"247.171. The proportion of the sum of all outstanding bonds and debt, with interest thereon, that is required to be paid to the water supply district, pursuant to subsection 1 of section 247.031 and subdivision (5) of subsection 1 of section 247.170, shall be the same as the proportion of the assessed valuation of the real and tangible personal property within the area sought to be detached and excluded bears to the assessed valuation of all of the real and tangible personal property within the entire area of the water supply district."; and

Further amend said bill, Page 130, Section 1, Line 10, by inserting after all of said line the following:

"[247.224. Any person who resides within the boundary of a public water supply district located in any county of the first classification with a population of more than eighty thousand and less than eighty-three thousand inhabitants and who is unable to receive services from such district due to the district's failure to provide such services may elect to be removed from such district by sending a written and signed request for removal via certified mail to the district. The district shall, upon receipt of such request, remove such resident from the district. If the resident elects to be removed from the district, the resident shall compensate the district for any costs incurred by the district for such resident's removal from the district and for any attempts by the district to provide service to such resident prior to the certified

date that the district received the request for removal.]" and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 87, Section 214.035, Line 15, by inserting after all of said line the following:

"217.900. 1. There is hereby established the "Missouri State Penitentiary Redevelopment Commission".

2. The commission shall consist of ten commissioners who shall be qualified voters of the state of Missouri. Three commissioners, no more than two of whom shall belong to the same political party, shall be residents of Jefferson City and shall be appointed by the mayor of that city; three commissioners, no more than two of whom shall belong to the same political party, shall be residents of Cole County but not of Jefferson City and shall be appointed by the county commission; and four commissioners, no more than three of whom shall belong to the same political party, none of whom shall be residents of Cole County or of Jefferson City, shall be appointed by the governor with the advice and consent of the senate. The governor shall appoint one of the commissioners who is not a resident of Cole County or Jefferson City to be the chair of the commission. No elected or appointed official of the state of Missouri or of any city or county in this state shall be appointed to the commission.

3. The commissioners shall serve for terms of three years, except that the first person appointed by each the mayor, the county commission and the governor shall serve for two years and the second person appointed by the governor shall serve for four years. Each commissioner shall hold office until a successor has been appointed and qualified. In the event a vacancy exists or in the event a commissioner's term expires, a successor commissioner shall be appointed by whomever appointed the commissioner who initially held the vacant positions and if no person is so selected within sixty days of the creation of the vacancy, the unexpired term of such commissioner may be filled by a majority vote of the remainder of the commissioners, provided such successor commissioner shall meet the requirements set forth by this section. Pending any such appointment to fill any vacancy, the remaining commissioners may conduct commission business. Commissioners shall serve without compensation but shall be entitled to reimbursement from the Missouri state penitentiary redevelopment commission fund established in subsection 7 of this section for expenses incurred in conducting the commission's business.

4. The commission shall have the following powers:

- (1) To acquire title to the property historically utilized as the Missouri state penitentiary and to acquire by gift, bequest, purchase, lease or sublease from public or private sources property adjacent thereto and necessary or appropriate to the successful redevelopment of the Missouri state penitentiary property;**
- (2) To lease or sell real property to developers who will utilize the property consistent with the master plan for the property;**
- (3) To adopt bylaws for the regulation of its affairs and the conduct of its business;**
- (4) To hire employees necessary to perform the commission's work;**
- (5) To contract and to be contracted with, including, but without limitation, the authority to enter into contracts with cities, counties and other political subdivisions, agencies of the state of Missouri and public agencies pursuant to sections 70.210 to 70.325, RSMo, and otherwise, and to enter into contracts with other entities, in connection with the acquisition by gift, bequest, purchase, lease or sublease and in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of any real property or facility and for any other lawful purpose, and to sue and to be sued;**

(6) To receive for its lawful activities any rentals, proceeds from the sale of real estate, contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, state or other political subdivisions or public agencies or by the federal government or any agency or officer thereof or from any other sources and to apply for grants and other funding;

(7) To disburse funds for its lawful activities and fix salaries and wages of its employees;

(8) To invest any of the commission's funds in such types of investments as shall be determined by a resolution adopted by the commission;

(9) To borrow money for the acquisition, construction, equipping, operation, maintenance, repair, remediation or improvement of any facility or real property to which the commission holds title and for any other proper purpose, and to issue negotiable notes, bonds and other instruments in writing as evidence of sums borrowed;

(10) To perform all other necessary and incidental functions, and to exercise such additional powers as shall be conferred by the general assembly; and

(11) To purchase insurance, including self-insurance, of any property or operations of the commission or its members, directors, officers and employees, against any risk or hazard, and to indemnify its members, agents, independent contractors, directors, officers and employees against any risk or hazard.

5. In no event shall the state be liable for any deficiency or indebtedness incurred by the commission.

6. The income of the commission and all properties any time owned by the authority shall be exempt from all taxation in the state of Missouri.

7. There is hereby created in the state treasury the "Missouri State Penitentiary Redevelopment Commission Fund", which shall consist of money collected pursuant to this section. The fund shall be administered by the Missouri state penitentiary redevelopment commission. Money in the fund shall be used solely for the purposes of the Missouri state penitentiary redevelopment commission.

8. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

9. Upon the dissolving of the commission, any funds remaining in the Missouri State Penitentiary Commission Fund shall be transferred to the general revenue fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Section 135.305, Page 59, Line 22, by inserting immediately after said line the following:

"135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as a production incentive to produce processed wood products in a qualified wood producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of [five] **ten** years and is to be a tax credit against the tax otherwise due."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 82, Section 204.640, Lines 8 to 11 of said page, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 11

Amend House Committee Substitute for Senate Bill No. 125, Page 2, Section A, Line 11, by inserting after all of said line the following:

"64.342. 1. Section 64.341 to the contrary notwithstanding, the county commission of any county of the first classification without a charter form of government with a population of at least one hundred fifty thousand containing part of a city with a population over three hundred fifty thousand is hereby authorized to acquire, by purchase or gift, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate, in whole or in part, concession stands or marinas within any area contiguous to the lake which is used as a public park, playground, camping site or recreation area. **No such lease or concession grant shall be for a longer term than twenty-five years.**

2. Such concession stands or marinas may offer refreshments for sale to the public using such areas and services therein relating to boating, swimming, picnicking, golfing, shooting, horseback riding, fishing, tennis and other recreational, cultural and educational uses upon such terms and under such regulations as the county may prescribe.

3. All moneys derived from the operation of concession stands or marinas shall be paid into the county treasury and be credited to a "Park Fund" to be established by each county authorized under subsection 1 of this section and be used and expended by the county commission for park purposes.

4. The provisions of this section authorizing and extending authority to counties concerning marinas shall not apply to any privately operated marina in operation prior to August 28, 2000, **except that if an operator is in default or if no bids are received during the open bid period, then the county may operate such marina for a period not to exceed a cumulative total of twenty-four months.**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 72, Section 135.530, Line 16, by inserting after all of said line the following:

"135.552. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Director", the director of the department of public safety;

(3) "Sexual violence crisis service center", a nonprofit organization having a primary function of serving sexual violence victims, or running a discrete, separate program that serves sexual violence victims, or two or more nonprofit organizations operating under a formal arrangement to provide sexual violence services to victims of rape, sexual assault and sexual abuse, their significant others, secondary victims and the community. For purposes of this section, eligible services of a sexual violence crisis service center, include, but shall not be limited to, the operation of a twenty-four-hour crisis hotline promoted as a service for sexual violence victims and the provision of information, referrals, medical and justice system advocacy, crisis intervention and support groups at no charge and community education and prevention education;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred

by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, an insurance company paying an annual tax on its gross premium receipts in this state or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a sexual violence crisis service center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a sexual violence crisis service center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which organizations and programs in this state may be classified as sexual violence crisis service centers. The director may require an organization or program seeking to be classified as a sexual violence crisis service center to submit any information which is reasonably necessary to make such a determination. The director shall classify an organization or program as a sexual violence crisis service center if such organization or program meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if an organization or program has been classified as a sexual violence crisis service center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Sexual violence crisis service centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to sexual violence crisis service centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all organizations and programs classified as sexual violence crisis service centers. If a sexual violence crisis service center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those sexual violence crisis service centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each sexual violence crisis service center shall provide information to the director concerning the identity of each taxpayer making a contribution to the sexual violence crisis service center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057,

RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.630. 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;**
- (2) "Director", the director of the department of social services;**
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;**
- (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, an insurance company paying an annual tax on its gross premium receipts in this state or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;**
- (5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:**
 - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and**
 - (b) Where childbirths are not performed; and**
 - (c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and**
 - (d) Which provides direct client services, as opposed to merely providing counseling or referral services by telephone; and**
 - (e) Which provides its services at no cost; and**
 - (f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.**

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one

hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require a facility seeking to be classified as an unplanned pregnancy resource center to submit any information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.631. The tax credits available pursuant to sections 135.552 and 135.630 shall not be available in any tax year beginning after December 31, 2006, but any tax credit claimed pursuant to section 135.552 or 135.630 prior to that date may be carried forward as otherwise provided by those sections.; and

Further amend said bill, Page 119, Section 447.700, Line 10, by inserting after all of said line the following:

"[620.1400. Sections 620.1400 to 620.1460 shall be known and may be cited as the "Missouri Individual Training Account Program Act" and its provisions shall be effective only within distressed communities as defined by section 135.530, RSMo.]

[620.1420. As used in sections 620.1400 to 620.1460, the following terms mean:

(1) "Costs of classroom training", the normal costs incurred in the provision of classroom training which may also include specifically identified costs incurred for instructors, classroom space and facilities, administrative support services, and directly related expenses, that together do not exceed the amount normally allowed for support of vocational and technical classes;

(2) "Department", the department of economic development;

(3) "Employee", a full-time or part-time employed worker whose salary is equal to or less than two hundred percent of

the federal poverty level;

(4) "Employee upgrade training", the progressive development of skills associated with the defined set of work processes. Such training shall be consistent with a career pattern of advancement, as measured by skill proficiency and the progressive earnings and related benefits, that are recognized within an occupation, trade or industry;

(5) "Individual training account", an account funded by the tax credits provided for in section 620.1440 for the provision of employee upgrade training to employees through their participation in classroom training provided by educational institutions;

(6) "Local educational institution", a publicly funded or privately funded local educational institution which is certified by a recognized accrediting association as capable of providing adequate classroom training to accomplish the purpose of sections 620.1400 to 620.1460.]

[620.1430. 1. A Missouri employer who desires to participate in the individual training account program shall provide the department of economic development with notification of intent to participate. The notification shall include, but need not be limited to, the names and occupations of employees whom the employer has selected to be trained, whether or not the employees are currently working for the employer, the name of the local educational institution that will provide the training, and a brief description of the training to be given by the institution.

2. The employer shall have complete discretion in the selection of the local educational institution or institutions to provide training and shall be responsible for the payment of the costs of classroom training.]

[620.1440. 1. Employers may be reimbursed for the costs of training provided pursuant to the provisions of the individual training account program. Such reimbursement shall be in the form of tax credits as authorized in subsection 2 of this section. The tax credits may be claimed for courses provided in no more than two calendar years for each employee. For each year, the maximum amount of credit per employee which can be certified by the department of economic development shall be the lesser of fifty percent of the costs of classroom training or one thousand five hundred dollars.

2. Tax credits may be claimed against any liability incurred by the employer pursuant to the provisions of chapter 143, RSMo, and chapter 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo. Earned tax credits may be carried forward for a period not to exceed five years and may be sold or transferred.

3. No claim for tax credits submitted to the department by an employer shall be certified until the employer provides documentation that an employee has successfully completed the employee's course training and has been employed by the employer in a new, full-time position for a period of at least three months. It must be demonstrated satisfactorily to the department that the new position in which the employee located is an upgrade in employment, in terms of salary and responsibilities, from the previously held position. All such increases in salary shall be in addition to normal cost-of-living increases provided for in authorized labor-management contracts. If the employee was previously employed in a part-time position, the base salary for the position shall be calculated as if it were a full-time position.]

[620.1450. The maximum amount of tax credits allowable pursuant to the provisions of the individual training account program shall not annually exceed six million dollars.]" ; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 59, Line 22, by adding the following new section 137.181:

"In all appeals allowed in Section 137.180, the burden of proof as to the increase in value shall be on the assessor."; and

Further amend said title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Pages 114 to 119, Section 447.700, Lines 17 to 24 on Page 114, Lines 1 to 24 on Page 115, Lines 1 to 24 on Page 116, Lines 1 to 24 on Page 117, Lines 1 to 24 on Page 118, and Lines 1 to 10 on Page 119, by deleting all of said lines and inserting in lieu thereof the following:

"447.700. As used in sections 447.700 to 447.718, the following terms mean:

(1) "Abandoned property", real property previously used for, or which has the potential to be used for, commercial or industrial purposes which reverted to the ownership of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default or settlement, including conveyance by deed in lieu of foreclosure; or a privately owned property endorsed by the city, or county if the property is not in a city, for inclusion in the program which will be transferred to a person other than the potentially responsible party as defined in chapter 260, RSMo, and has been vacant for a period of not less than three years from the time an application is made to the department of economic development;

(2) "Allowable cost", all or part of the costs of project facilities, including the costs of acquiring the property, relocating any remaining occupants, constructing, reconstructing, rehabilitating, renovating, enlarging, improving, equipping or furnishing project facilities, demolition, site clearance and preparation, **backfill**, supplementing and relocating public capital improvements or utility facilities, designs, plans, specifications, surveys, studies and estimates of costs, expenses necessary or incident to determining the feasibility or practicability of assisting an eligible project or providing project facilities, architectural, engineering and legal service fees and expenses, the costs of conducting any other activities as part of a voluntary remediation and such other expenses as may be necessary or incidental to the establishment or development of an eligible project and reimbursement of moneys advanced or applied by any governmental agency or other person for allowable costs. **Allowable costs shall also include the demolition and reconstruction of any building or structure which is not the object of remediation as defined in section 260.565, RSMo, but which is located on the site of an abandoned or underutilized property approved for financial assistance pursuant to sections 447.702 to 447.708, provided that any such demolition is contained in a redevelopment plan approved by the director of the department of economic development and the municipal or county government having jurisdiction in the area in which the project is located;**

(3) "Applicant", the person that submits an application for consideration of a project or location or real property for financial, tax credit or other assistance pursuant to sections 447.700 to 447.718; an applicant may not be any party who intentionally or negligently caused the release or potential release of hazardous substances at the eligible project as that term is defined pursuant to chapter 260, RSMo;

(4) "Eligible project", abandoned or underutilized property to be acquired, established, expanded, remodeled, rehabilitated or modernized for industry, commerce, distribution or research, or any combination thereof, the operation of which, alone or in conjunction with other facilities, will create new jobs or preserve existing jobs and employment opportunities, attract new businesses to the state, prevent existing businesses from leaving the state and improve the economic welfare of the people of the state. The term "eligible project", without limitation, includes voluntary remediation conducted pursuant to sections 260.565 to 260.575, RSMo. To be an "eligible project" pursuant to sections 447.700 to 447.718, the obligations of the prospective applicant and the governmental agency shall be defined in a written agreement signed by both parties. The facility, when completed, shall be operated in compliance with applicable federal, state and local environmental statutes, regulations and ordinances. An "eligible project" shall be determined by consideration of the entire project. The definition or identification of an "eligible project" shall not be segmented into parts to separate commercial and industrial uses from residential uses. **Any property immediately adjacent to any abandoned or underutilized property may also be an "eligible project" pursuant to section 447.700 to 447.718, provided that the abandoned or underutilized property otherwise meets the qualifications of this subdivision;**

(5) "Financial assistance", direct loans, loan guarantees, and grants pursuant to sections 447.702 to 447.706; and tax credits, inducements and abatements pursuant to section 447.708;

(6) "Governmental action", any action by a state, county or municipal agency relating to the establishment, development or operation of an eligible project and project facilities that the governmental agency has authority to take or provide for the purpose under law, charter or ordinance, including but not limited to, actions relating to contracts and agreements, zoning, building, permits, acquisition and disposition of property, public capital improvements, utility and transportation service, taxation, employee recruitment and training, and liaison and coordination with and among governmental agencies;

(7) "Governmental agency", the state, county and municipality and any department, division, commission, agency, institution or authority, including a municipal corporation, township, and any agency thereof and any other political subdivision or public corporation; the United States or any agency thereof; any agency, commission or authority established pursuant to an interstate compact or agreement and any combination of the above;

(8) "Person", any individual, firm, partnership, association, limited liability company, corporation or governmental agency, and any combination thereof;

(9) "Project facilities", buildings, structures and other improvements and equipment and other property or fixtures, excluding small tools, supplies and inventory, and public capital improvements;

(10) "Public capital improvements", capital improvements or facilities owned by a governmental agency and which such agency has authority to acquire, pay the costs of, maintain, relocate or operate, or to contract with other persons to have the same done, including but not limited to, highways, roads, streets, electrical, gas, water and sewer facilities, railroad and other transportation facilities, and air and water pollution control and solid waste disposal facilities;

(11) "Underutilized", real property of which less than thirty-five percent of the commercially usable space of the property and improvements thereon, are used for their most commercially profitable and economically productive use; or property that was used by the state of Missouri as a correctional center for a period of at least one hundred years and which requires environmental remediation before redevelopment can occur, if approval from the general assembly has been given for any improvements to, or remediation, lease or sale of, said property;

(12) "Voluntary remediation", an action to remediate hazardous substances and hazardous waste pursuant to sections 260.565 to 260.575, RSMo.

447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150, RSMo, and sections 135.200 to [135.256] **135.257**, RSMo. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax otherwise imposed by chapter 147, RSMo, or the tax otherwise imposed by chapter 148, RSMo. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220, RSMo, and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225, RSMo, are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses,

respectively, an additional four hundred dollars per year for each person who is "a person difficult to employ" as defined by section 135.240, RSMo, and investment tax credits at the same amounts and levels as provided in subdivision (4) **of subsection 1** of section 135.225, RSMo;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245, RSMo, for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471, RSMo, who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, "related taxpayer" has the same meaning as defined in subdivision (9) of section 135.100, RSMo;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If

the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100, RSMo, which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section, shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, in addition to the tax credits allowed in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition [and], asbestos abatement, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575, RSMo.

(2) The director of the department of economic development, with the approval of the director of the department of natural resources, shall, in addition to the tax credits otherwise allowed in this section, grant a demolition tax credit to the applicant for up to one hundred percent of the costs of demolition that are not part of the voluntary remediation activities, provided that the demolition is either on the property where the voluntary remediation activities are occurring or on any adjacent property, and that the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development.

(3) The amount of remediation **and demolition** tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(4) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax otherwise imposed by chapter 147, RSMo, or the tax otherwise imposed by chapter 148, RSMo. The remediation **and demolition** tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(5) The project facility [is] **shall be** projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, **to be eligible for tax credits pursuant to this section.**

(6) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a "Letter of Completion" letter or covenant not to sue following completion of the voluntary remediation activities. It shall not

include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility.

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 to 6 of section 135.250, RSMo. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, RSMo, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, RSMo, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

(1) That portion of the taxpayer's income attributed to the eligible project; or

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225, RSMo, and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100, RSMo. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100, RSMo.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section, to any other person, for

the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471, RSMo, or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471, RSMo;

(2) The partners of the partnership.

The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 36, Section 81.265, Lines 14 to 20, by deleting all of said section; and

Further amend said bill, by amending the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 108, Section 250.236, Line 2, by inserting the following section:

"253.570. The Missouri general assembly shall, through appropriations as provided by law, participate in the funding of the TWA Flight 800 International Memorial in Smith Point Beach, New York, in an amount equal to one thousand dollars for each of the seven Missourians who died aboard TWA Flight 800 on July 17, 1996. Such funds shall be disbursed August 28, 2001, to the Families of Flight 800 Memorial Fund."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, by striking the following:

"unincorporated territory of the county, or to the unincorporated territory of the county as a whole."; and

Further amend said bill by adding the following on Line 12: "**County.**"; and

Further amend said bill, Page 11, Line 2, by striking the word "unincorporated" and replacing it with the word "**affected**"; and

Further amend said bill, Page 11, Line 6, by striking the word "unincorporated" and replacing it with the word "**affected**"; and

Further amend said bill, Page 11, Line 10, by striking the word "unincorporated" and replacing it with the word "**affected**".

HOUSE AMENDMENT NO. 18

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 3, Section A, Line 1, by inserting after all of said line the following:

"26.730. 1. There is hereby established within the office of the lieutenant governor a "Missouri Multicultural Center and Program", which shall serve as an all-purpose all-encompassing resource for local political subdivisions and government agencies, including but not limited to counties, municipalities, judicial circuits, law enforcement agencies, school districts, public health agencies or any other political subdivisions or local government agencies, state governmental agencies, nongovernmental community agencies, businesses, advocacy groups, immigrants, refugees and international tourists in this state. The center and program, as directed by the multicultural citizens' advisory committee, may develop outreach materials, in various formats, and shall serve as a communications link to direct persons to where materials are available, which describe the resources, opportunities, informational sites or other informational sources that the committee determines would be of assistance to the entities listed in this subsection. The materials and links described in this subsection shall, at minimum, be made available in electronic format, or in any other form the committee deems appropriate. The center and program may contract, subject to approval by the office of administration, for the provision of the information and services described in this subsection with any higher educational facility in the state or any other outside source it deems capable of adequately providing such services and information.

2. There is hereby established within the office of the lieutenant governor a "Multicultural Citizens' Advisory Committee", which shall develop and implement, or facilitate the development and implementation of, the program authorized pursuant to subsection 1 of this section. The committee shall consist of twenty-five members, to be appointed as follows:

- (1) Five persons employed by state executive departments, one from each of the following five departments, to be designated by the director of the appropriate department: elementary and secondary education, social services, health, economic development and public safety;**
- (2) Four members of the general assembly, as follows:**
 - (a) Two members of the house of representatives appointed by the speaker of the house of representatives, one from each major political party; and**
 - (b) Two members of the senate appointed by the president pro tem of the senate, one from each major political party;**
- (3) Fifteen citizens of this state who work directly with the multicultural population of this state, appointed by the lieutenant governor; and**
- (4) The lieutenant governor, who shall serve as an ex officio member of the committee.**

3. The initial members of the committee shall be appointed between September 1, 2001, and December 31, 2001. Beginning January 1, 2002, all appointees shall become members of the committee, and the lieutenant governor

shall cause the committee to meet no later than sixty days after that date. Upon the first meeting constituting a quorum of the committee, the committee shall select one of its members as chair. The chair shall serve as chair for two years, and the committee may reappoint the chair for an additional term or select a new chair at the expiration of such term. The committee shall meet on a regular basis until the program described in this section has been developed, and then the committee shall meet only as needed. The members of the committee shall serve four-year terms, except that the first term of the following members shall be for two years:

- (1) The members appointed by the department of economic development and the department of public safety;
- (2) One member appointed by the speaker of the house of representatives and one member appointed by the president pro tem of the senate, as selected by the speaker and the president pro tem prior to the appointment of the committee member;
- (3) Eight members appointed by the governor, as selected by the governor prior to the appointment of the committee member.

4. Vacancies on the committee shall be filled as soon as is practicable by the person charged with the appointment of the person who vacated the position. Members of the committee shall not be compensated for their duties as members, but shall receive reimbursement for all actual and necessary expenses incurred in the course of performing such duties, provided that the lieutenant governor shall not receive such expenses.

5. The committee shall submit to the lieutenant governor a list of three names, one of which the lieutenant governor shall employ as an executive director, who shall serve as the executive officer of the committee. As a priority, the director shall have a background and knowledge of the experiences and transition faced by individuals with multicultural backgrounds moving to Missouri and international tourists visiting in Missouri. The salary and office space for the executive director, as well as the expenses for committee hearings, shall be provided by the office of the lieutenant governor."; and

Further amend said bill, Page 130, Section 1, Line 10, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to provide full, meaningful and expedited access for immigrants and refugees to the public services of this state, section 26.730 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 26.730 of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 19

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 130, Line 10, by adding after said line the following:

"The state highway commission shall reduce the speed from 45 to 35 miles per hour on Highway 14 at the east city limit line of Ozark, Missouri to 10th Avenue.".

HOUSE AMENDMENT NO. 20

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 14, Section 64.205, Line 12, by inserting after all of said line the following:

"Section 1. Any device, other than a device located in a public building, that is not used by the general public shall be exempt from the provisions of sections 701.350 to 701.380."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 21

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19 of said page, by inserting after all of said line the following:

"160.400. 1. A charter school is an independent, publicly supported school.

2. **Except as otherwise provided pursuant to this section**, charter schools may be operated only in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants **or any school district containing territory formerly contained in any school district in which charter schools were authorized to be established pursuant to this section** and may be sponsored by any of the following:

(1) The school board of the district;

(2) A public four-year college or university with its primary campus in the school district **or in a county containing all or a portion of the district** or in a county adjacent to the county in which the district is located, with an approved teacher education program that meets regional or national standards of accreditation; or

(3) A community college located in the district.

3. [A maximum of five percent of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes.] **All buildings owned or controlled by a school district in which charter schools may be established pursuant to sections 160.400 to 160.420 and which buildings are not used by the district for their educational purposes or otherwise previously contractually obligated to another party shall be made available to charter schools in the district at a de minimis cost.**

4. No sponsor shall receive from an applicant for a charter school any fee of any type for the consideration of a charter, nor may a sponsor condition its consideration of a charter on the promise of future payment of any kind.

5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the sponsor and the charter school.

6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter school shall select the method for election of officers pursuant to section 355.326, RSMo, based on the class of corporation selected. Meetings of the governing board of the charter school shall be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

7. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

8. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 2 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. The primary campus of the college or university must be located within the county in which the school district lies wherein the charter school is located or in a county adjacent to the county in which the district is located. A university, college or community college may not charge or accept a fee for affiliation status.

9. **There is hereby established a "Charter School Sponsor Oversight and Accountability Fund". The state treasurer shall, on the first business day of each fiscal year, transfer, from general revenue to the charter school sponsorship oversight and accountability fund, an amount equal to the sum of the number of charter schools**

which have an approved charter as of the date of the transfer multiplied by twenty-three thousand four hundred dollars, plus the sum of the number of students enrolled in each charter school established pursuant to sections 160.400 to 160.420 during the preceding school year multiplied by one-half of one percent of the per pupil operating revenue for the preceding year for the school district where each such charter school was located. The fund shall be subject to appropriation. The coordinating board of higher education shall establish, by rule, and administer a grant-based funding program for reimbursing costs of school districts and higher education institutions sponsoring charter schools pursuant to this section. Charter school sponsors may apply to the coordinating board each year, no later than August first, to receive a grant for each charter school which it sponsored the preceding year. The grant application shall meet the requirements established pursuant to this section. The amount of each annual grant for an approved application shall be equal to the sum of twenty-three thousand four hundred dollars, plus the number of students enrolled in the charter school during the preceding school year multiplied by one-half of one percent of the per pupil operating revenue for the preceding school year for the school district where the charter school was located. The grant shall be used for providing charter school sponsorship oversight and accountability functions related to the charter granted to the charter school. If the funding is insufficient in any year to fund all eligible, fundable grant applications, all grant awards shall be uniformly prorated until the total amount of grant awards matches the available funds. Any available funding in excess of the total of eligible, fundable grant applications shall be retained in the fund the following year and counted as current year transferred funds for the purpose of reducing the amount of the transfer authorized pursuant to this subsection.

10. No university, college or community college shall grant a charter to a nonprofit corporation if an employee of the university, college or community college is a member of the corporation's board of directors.

11. No sponsor shall grant a charter pursuant to sections 160.400 to 160.420 without ensuring that a criminal background check and child abuse registry check are conducted for all members of the board of directors of the charter schools or the incorporators of the charter school if initial directors are not named in the articles of incorporation, nor shall a sponsor renew a charter without ensuring a criminal background check and child abuse registry check are conducted for each member of the board of directors of the charter school.

12. No member of the board of directors of a charter school shall hold any office or employment from the board or the charter school while a member of the board nor have any substantial interest, as defined pursuant to section 105.450, RSMo, in any entity employed by or contracting with the board.

13. A sponsor shall provide timely submission to the state board of education of all data necessary to demonstrate that the sponsor is in material compliance with all requirements of sections 160.400 to 160.420.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. **The proposed charter shall specify a proposed starting date which shall be no earlier than eleven months following the date the proposed charter is submitted.** If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located **and the state board of education, [when] within five business days of the date** the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

(1) The educational goals and objectives to be achieved by the charter school;

(2) A description of the charter school's educational program and curriculum;

- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards; and
- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school.

2. Proposed charters shall be subject to the following requirements:

(1) A charter application shall be provided to a proposed sponsor no later than eleven months prior to the proposed starting date for the charter school to begin operation. Within five business days of receipt of the application, the proposed sponsor shall forward a copy of the charter application to the state board of education and to the school board of the district if the proposed sponsor is not a school board;

(2) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within [sixty] ninety days of the filing of the proposed charter;

[(2)] (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as to the reasons for its denial and forward a copy to the state board of education within five business days following the denial;

[(3)] (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted to the state board of education, along with the sponsor's written reasons for its denial. If the state board determines that the applicant meets the requirements of this section and that granting a charter to the applicant would be likely to provide educational benefit to the children of the district, the state board may grant a charter and act as sponsor of the charter school. The state board shall review the proposed charter and make a determination of whether to deny or grant the proposed charter within sixty days of receipt of the proposed charter and shall notify the applicant in writing as to the reasons for its denial, if applicable; [and]

[(4)] (5) The sponsor of a charter school shall give priority to charter school applicants that propose a school oriented to high-risk students and to the reentry of dropouts into the school system. If a sponsor grants three or more charters, at least one-third of the charters granted by the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student body and address the needs of dropouts or high-risk students through their proposed mission, curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk" student is one who is at least one year behind in satisfactory completion of course work or obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime within the preceding six months, has limited English proficiency, has been suspended from school three or more times, is eligible for free or reduced price school lunch, or has been referred by the school district for enrollment in an alternative program. "Dropout" shall be defined through the guidelines of the school core data report. The provisions of this subsection do not apply to charters sponsored by the state board of education.

3. If a charter is approved by a sponsor, it shall be submitted to the state board of education which may, within [forty-five] sixty days, disapprove the granting of the charter. The state board of education may disapprove a charter only on grounds that the application fails to meet the requirements of sections 160.400 to 160.420.

4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject to judicial review pursuant to chapter 536, RSMo.

5. A charter school shall, as provided in its charter:

- (1) Be nonsectarian in its programs, admission policies, employment practices, and all other operations;
- (2) Comply with laws and regulations of the state relating to health, safety, and minimum educational standards;

(3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules relating to schools, governing boards and school districts;

(4) Be financially accountable, use practices consistent with the Missouri financial accounting manual, provide for an annual audit by a certified public accountant, **publish audit reports and annual financial reports as provided pursuant to chapter 165, RSMo, provided that the annual financial report may be published via the Internet on the secretary of state's website in lieu of other publishing requirements**, and provide liability insurance to indemnify the school, its board, staff and teachers against tort claims. For the purposes of securing such insurance, a charter school shall be eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo. A charter school that incurs debt must include a repayment plan in its financial plan;

(5) Provide a comprehensive program of instruction for at least one grade or age group from kindergarten through grade twelve, which may include early childhood education if funding for such programs is established by statute, as specified in its charter;

(6) Design a method to measure pupil progress toward the pupil academic standards adopted by the state board of education pursuant to section 160.514, collect baseline data during at least the first three years for determining how the charter school is performing and to the extent applicable, [participate in] **employ** the statewide system of assessments, comprised of the essential skills tests and the nationally standardized norm-referenced achievement tests, as designated by the state board pursuant to section 160.518, complete and distribute an annual report card as prescribed in section 160.522, **which shall also include a statement that background checks have been completed on the charter school's board members**, report to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof, and provide data required for the study of charter schools pursuant to subsection 3 of section 160.410. No charter school will be considered in the Missouri school improvement program review of the district in which it is located for the resource or process standards of the program. Nothing in this paragraph shall be construed as permitting a charter school to be held to lower performance standards than other public schools within a district; however, the charter of a charter school may permit students to meet performance standards on a different time frame as specified in its charter;

(7) Assure that the needs of special education children are met in compliance with all applicable federal and state laws and regulations;

(8) Provide, in a timely fashion, all information necessary to confirm on-going compliance with all provisions of the charter and sections 160.400 to 160.420.

6. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor. The sponsor and the governing board and staff of the charter school shall jointly review the school's performance, management and operations at least once every two years.

7. (1) A sponsor may revoke a charter at any time if the charter school commits a serious breach of one or more provisions of its charter or on any of the following grounds: failure to meet academic performance standards as set forth in its charter, failure to meet generally accepted standards of fiscal management, **failure to provide information necessary to confirm compliance with all provisions of the charter and sections 160.400 to 160.420 within forty-five days following receipt of written notice requesting such information** or violation of law.

(2) The sponsor may place the charter school on probationary status to allow the implementation of a remedial plan, after which, if such plan is unsuccessful, the charter may be revoked. **The sponsor may require the remedial plan to provide for a change in methodology or leadership, or both.**

(3) At least sixty days before acting to revoke a charter, the sponsor shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action. The school's board of directors may request in writing a hearing before the sponsor within two weeks of receiving the notice.

(4) The sponsor of a charter school shall establish procedures to conduct administrative hearings upon determination by

the sponsor that grounds exist to revoke a charter. Final decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial review pursuant to chapter 536, RSMo.

(5) A termination shall be effective only at the conclusion of the school year, unless the sponsor determines that continued operation of the school presents a clear and immediate threat to the health and safety of the children.

8. A sponsor shall take all reasonable steps necessary to confirm each charter school sponsored by such sponsor is in material compliance and remains in material compliance with all material provisions of the charter and sections 160.400 to 160.420.

9. A school district may enter into a lease with a charter school for physical facilities. [A charter school may not be located on the property of a school district unless the district governing board agrees.]

[9.] **10.** A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee at the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an educational program.

11. Charter school board members shall be subject to the same liability for acts while in office as if they were regularly and duly elected members of school boards in any other public school district in this state. The board of directors of a charter school may participate, to the same extent as a school board, in the Missouri public entity risk management fund in the manner provided pursuant to sections 537.700 to 537.755, RSMo.

160.410. 1. A charter school shall enroll all pupils resident in the district in which it operates or eligible to attend a district's school under an urban voluntary transfer program who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If capacity is insufficient to enroll all pupils who submit a timely application, the charter school shall have an admissions process that assures all applicants of an equal chance of gaining admission except that:

(1) A charter school may establish a geographical area around the school whose residents will receive a preference for enrolling in the school, provided that such preferences do not result in the establishment of racially or socioeconomically isolated schools and provided such preferences conform to policies and guidelines established by the state board of education; and

(2) A charter school may also give a preference for admission of children whose siblings attend the school or whose parents are employed at the school.

2. A charter school shall not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to pupils within a given age group or grade level.

3. The department of elementary and secondary education shall commission a study of the performance of students at each charter school in comparison with a comparable group and a study of the impact of charter schools upon the districts in which they are located, to be conducted by a contractor selected through a request for proposal. The department of elementary and secondary education shall reimburse the contractor from funds appropriated by the general assembly for the purpose. The study of a charter school's student performance in relation to a comparable group shall be designed to provide information that would allow parents and educators to make valid comparisons of academic performance between the charter school's students and a group of students comparable to the students enrolled in the charter school. The impact study shall be undertaken every two years to determine the effect of charter schools on education stakeholders in the districts where charter schools are operated. The impact study may include, but is not limited to, determining if changes have been made in district policy or procedures attributable to the charter

school and to perceived changes in attitudes and expectations on the part of district personnel, school board members, parents, students, the business community and other education stakeholders. The department of elementary and secondary education shall make the results of the studies public and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter schools, the school board and superintendent of the districts in which the charter schools are operated.

4. A charter school shall make available for public inspection, free of charge, and provide upon request, to the parent, guardian or other custodian of any school-age pupil resident in the district in which the school is located, the following information:

(1) The school's charter; and

(2) The school's most recent annual report card published pursuant to section 160.522; and

(3) The results of background checks on the charter school's board members.

The charter school may charge reasonable fees for furnishing copies of documents pursuant to this subsection.

160.415. 1. For the purposes of calculation and distribution of state school aid under section 163.031, RSMo, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which each pupil resides. Each charter school shall report the names, addresses, and eligibility for free or reduced-price lunch or other categorical aid, of pupils resident in a school district who are enrolled in the charter school to the school district in which those pupils reside and to the state department of elementary and secondary education. Each charter school shall promptly notify the state department of elementary and secondary education and the pupil's school district when a student discontinues enrollment at a charter school.

2. (1) A school district having one or more resident pupils attending a charter school shall pay to the charter school an annual amount equal to the product of the equalized, adjusted operating levy for school purposes for the pupils' district of residence for the current year times the guaranteed tax base per eligible pupil, as defined in section 163.011, RSMo, times the number of the district's resident pupils attending the charter school plus all other state aid attributable to such pupils, including summer school, if applicable, and all aid provided pursuant to section 163.031, RSMo.

(2) The district of residence of a pupil attending a charter school shall also pay to the charter school any other federal or state aid that the district receives on account of such child.

(3) The amounts provided pursuant to this subsection shall be prorated for partial year enrollment for a pupil.

(4) A school district shall pay the amounts due pursuant to this subsection as the disbursal agent and no later than twenty days following receipt of any such funds.

[(5) The per-pupil amount paid by a school district to a charter school shall be reduced by the amount per pupil determined by the state board of education to be needed by the district in the current year for repayment of leasehold revenue bonds obligated pursuant to a federal court desegregation action.]

3. If a school district fails to make timely payments of any amount for which it is the disbursal agent, the state department of elementary and secondary education shall authorize payment to the charter school of the amount due pursuant to subsection 2 of this section and shall deduct the same amount from the next state school aid apportionment to the owing school district. If a charter school is paid more or less than the amounts due pursuant to subsection 2 of this section, the amount of overpayment or underpayment shall be adjusted in its next payment by the school district or the department of elementary and secondary education, as appropriate. Any dispute between the school district and a charter school as to the amount owing to the charter school shall be resolved by the department of elementary and secondary education, and the department's decision shall be the final administrative action for the purposes of review pursuant to chapter 536, RSMo.

4. The charter school and a local school board may agree by contract for services to be provided by the school district

to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

5. A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

6. A charter school shall be eligible for transportation state aid pursuant to section 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

7. (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

(2) A charter school district shall provide the special services provided pursuant to section 162.705, RSMo, and may provide the special services pursuant to a contract with a school district or any provider of such services.

8. A charter school may not charge tuition, nor may it impose fees that a school district is prohibited from imposing.

9. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355, RSMo.

10. Charter schools shall not have the power to acquire property by eminent domain.

11. The governing body of a charter school is authorized to accept grants, gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or donation may not be accepted by the governing body if it is subject to any condition contrary to law applicable to the charter school or other public schools, or contrary to the terms of the charter.

160.420. 1. Any school district in which charter schools may be established pursuant to sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter school offers to retain the services of an employee of a school district, and the employee accepts a position at the charter school, [the contract between the charter school and the school district may provide that] an employee at the employee's option may remain an employee of the district and the charter school shall pay to the district the district's full costs of salary and benefits provided to the employee. [A] **The district's policy shall provide that any** teacher who accepts a position at a charter school and opts to remain an employee of the district retains such teacher's permanent teacher status and **retains such teacher's** seniority rights in the district **for three years**. The school district shall not be liable for any such employee's acts while an employee of the charter school.

2. A charter school may employ noncertificated instructional personnel; provided that no more than twenty percent of the full-time equivalent instructional staff positions at the school are filled by noncertificated personnel. All noncertified instructional personnel shall be supervised by certified instructional personnel. **A charter school may employ noncertificated administrative personnel and noncertificated principals and assistant principals.** The charter school shall ensure that all instructional employees of the charter school have experience, training and skills appropriate to the instructional duties of the employee, and the charter school shall ensure that a criminal background check and child abuse registry check are conducted for each employee of the charter school prior to the hiring of the employee. Appropriate experience, training and skills of noncertificated instructional personnel shall be determined considering:

- (1) Teaching certificates issued by another state or states;
- (2) Certification by the National Standards Board;
- (3) College degrees in the appropriate field;
- (4) Evidence of technical training and competence when such is appropriate; and
- (5) Level of supervision and coordination with certificated instructional staff.

3. Personnel employed by the charter school shall participate in the retirement system of the school district in which the charter school is located, subject to the same terms, conditions, requirements and other provisions applicable to personnel employed by the school district. **For purposes of participating in the retirement system, the charter school shall be considered to be a public school within the school district and personnel employed by the charter school shall be public school employees. In the event of a lapse of the school district's corporate organization as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the charter school shall continue to participate in the retirement system and shall do so on the same terms, conditions, requirements and other provisions as they participated prior to the lapse.**

160.534. [For fiscal year 1996 and each subsequent fiscal year,] **1. Except as otherwise provided in subsection 2 of this section,** any amount of the excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the amount transferred to the school district bond fund as provided in section 164.303, RSMo, shall be transferred to the state school moneys fund. Such moneys shall be transferred on a monthly basis and shall be distributed in the manner provided in section 163.031, RSMo.

2. Notwithstanding the provisions of section 313.321, RSMo, to the contrary, all revenue received by the Missouri lottery commission from the sale of Missouri lottery tickets and from all other sources, in excess of the total amount received in fiscal year 2001, and all excursion gaming boat proceeds received by the gaming commission in excess of the total amount received in fiscal year 2001, shall be transferred on a monthly basis as follows:

- (1) For fiscal year 2003, twenty percent to the school building property tax relief fund established pursuant to section 166.300, RSMo, and eighty percent to the state school moneys fund;**
- (2) For fiscal year 2004, forty percent to the school building property tax relief fund and sixty percent to the state school moneys fund;**
- (3) For fiscal year 2005, sixty percent to the school building property tax relief fund and forty percent to the state school moneys fund;**
- (4) For fiscal year 2006, eighty percent to the school building property tax relief fund and twenty percent to the state school moneys fund; and**
- (5) For fiscal year 2007, one hundred percent to the school building property tax relief fund.**

162.481. 1. Except as otherwise provided in this section, all elections of school directors in urban districts shall be held biennially at the same times and places as municipal elections.

2. In any urban district which includes all or the major part of a city which first obtained a population of more than seventy-five thousand inhabitants by reason of the 1960 federal decennial census, elections of directors shall be held on municipal election days of even-numbered years. The directors of the prior district shall continue as directors of the urban district until their successors are elected as herein provided. On the first Tuesday in April, 1964, four directors shall be elected, two for terms of two years to succeed the two directors of the prior district who were elected in 1960 and two for terms of six years to succeed the two directors of the prior district who were elected in 1961. The successors of these directors shall be elected for terms of six years. On the first Tuesday in April, 1968, two directors

shall be elected for terms to commence on November 5, 1968, and to terminate on the first Tuesday in April, 1974, when their successors shall be elected for terms of six years. No director shall serve more than two consecutive six-year terms after October 13, 1963.

3. **Except as otherwise provided in subsection 4 of this section**, hereafter when a seven-director district becomes an urban district, the directors of the prior seven-director district shall continue as directors of the urban district until the expiration of the terms for which they were elected and until their successors are elected as provided in this subsection. The first biennial school election for directors shall be held in the urban district at the time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban district have been elected under this subsection, their successors shall be elected for terms of six years.

4. In any school district in any city with a population of one hundred thousand or more inhabitants which is located within a county of the first classification that adjoins no other county of the first classification, **or any school district which becomes an urban school district by reason of the 2000 federal decennial census**, elections shall be held annually at the same times and places as general municipal elections for all years where one or more terms expire, and the terms shall be for three years and until their successors are duly elected and qualified for all directors elected on and after August 28, 1998.

164.303. There is hereby established in the state treasury the "School District Bond Fund". Such amounts as may be necessary to fund the annual requests submitted by the health and educational facilities authority to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions, but not to exceed seven million dollars per year, shall be transferred by appropriation to the fund from the gaming proceeds for education fund before any amounts in the gaming proceeds for education fund are transferred [to the state school moneys fund,] as provided in section 160.534, RSMo. Moneys deposited in the school district bond fund shall be used by the health and educational facilities authority, subject to appropriation, to fund the payment of costs and grants as provided in subsection 7 of section 360.106 and sections 360.111 to 360.118, RSMo, and necessary costs for administration of those provisions. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of each biennium.

166.300. 1. As used in this section, the following [words and phrases] **terms** shall mean:

- (1) ["Capital improvement projects", expenditures for lands or existing buildings, improvements of grounds, construction of buildings, additions to buildings, remodeling of buildings and initial equipment purchases;
- (2)] **"New construction", either the construction of a new building or the addition of a newly constructed area to an existing building, including expenditures for lands or existing buildings, architectural and engineering services, tests and inspections of lands or buildings, construction of buildings, additions to buildings and technology connectivity;**
- (2) **"Renovation", the modernization or modification of any existing building that will enhance the ability of such building to serve its educational purposes, excluding routine maintenance and repair, and including renovation expenditures for health and safety reasons, educational purposes, architectural and engineering services, tests and inspections of lands or buildings, renovations of existing buildings and technology connectivity;**
- (3) **"School [facility] building"**, a structure dedicated primarily to housing teachers and students in the instructional process, but shall not include [buildings] **facilities** dedicated primarily to administrative and support functions within

the school **or the school district.**

2. There is hereby created a [revolving] fund to be known as the "School Building [Revolving] **Property Tax Relief Fund**". All forfeitures of assets transferred pursuant to section 166.131, all gifts and bequests to such fund, **all moneys transferred to such fund pursuant to section 160.534, RSMo**, and such moneys as may be appropriated to the fund shall be deposited into the school building [revolving] **property tax relief fund**]; except that no more than four hundred forty million dollars, in the aggregate, shall be transferred to the fund]. **The fund shall be administered by the department of elementary and secondary education in the manner described in, and for the purposes described in, sections 166.300 to 166.324.**

3. After a fund balance has been established by prior years' deposits and interest, school districts may submit applications for [lease purchases] **matching grants** from the [revolving] fund for [specific] **allowed capital improvement** projects consistent with rules and regulations of the state board of education and [subsection 3 of] this section[, except that]. **The department shall divide its annual disbursements of matching grant moneys from the fund in equal, fifty percent portions to new construction projects and to renovation projects, and shall approve and prioritize applications accordingly, pursuant to this section. School districts may apply for both new construction and renovation grants in the same application, provided that new construction costs and renovation costs are separately itemized on such district's application, so that each may be separately approved or denied by the department. If, at the conclusion of the matching grant application period, there are funds available for either new construction or renovation that will not be used, and if there is a greater need for funds for the other category, then the department may transfer funds to the category with greater need at that time.**

4. No school district may be permitted to [enter into a lease purchase] **receive matching funds** from the school building [revolving] **property tax relief** fund without first submitting a long-range capital improvements plan. **Such plan shall include a detailed proposal of the specific allowed capital improvement projects to which grant moneys will be put, and shall include the specific manner in which the school district will provide for its matching portion, as such matching portion is calculated pursuant to section 166.305. Such plan shall also calculate the estimated amount of the state's portion of the matching funds, provided that the department shall not provide a match of funds for any costs of a project in excess of the maximum per-pupil amount described in section 166.308. Anticipated district expenditures on projects may exceed the maximum per-pupil amount, but in such case the state portion of matching funds shall be calculated solely on the maximum per-pupil amount stated in section 166.308. The department shall review and approve such plan prior to issuing matching grants.**

[3.] **5. To be eligible for [a lease purchase authorized by this section] matching funds pursuant to sections 166.300 to 166.324:**

(1) A school district shall meet the minimum criteria for state aid and for increases in state aid established pursuant to section 163.021, RSMo;

(2) A school district shall provide a program which is accredited by the state board of education for grades kindergarten through twelve or for grades kindergarten through eight; and

(3) A school district shall [have an equalized, assessed valuation per eligible pupil for the preceding year which is less than the statewide average equalized, assessed valuation per eligible pupil for the preceding year; and

(4) A school district shall have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri.

4. Lease purchase] **not be experiencing financial stress as defined in section 161.520, RSMo.**

6. The department of elementary and secondary education shall develop minimum state school building standards that may be used as criteria to determine if the district qualifies for a new construction project. The minimum state school building standards shall be met by any new construction project in order to qualify for matching grant approval by the department.

7. Matching grant applications for new construction shall be funded, as funds allow, first for all applications pursuant to subdivision (1) of this subsection [and], then for applications pursuant to subdivision (2) of this subsection and then for applications pursuant to **each successive** subdivision [(3)] of this subsection **thereafter**, and for funding of applications pursuant to a particular subdivision, applications shall be funded in the order that the applications are received by the department. If two or more applications are received on the same day, the district with the lowest [appraised] **assessed** valuation per pupil shall be given priority. Ranking of the applications for offering of [lease purchases] **matching grants for new construction** shall be done in the following order:

(1) Districts with [capital replacement] **new construction** costs in excess of insurance proceeds due to [facility] **school building** destruction caused by [fire or] natural **or man-made** disaster [shall be ranked on the basis of percentage of bonding capacity];

(2) Districts with a cumulative percentage growth in fall membership for the [third through the fifth] **three** preceding years in excess of twelve percent [and which have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri; and];

(3) [Districts with an equalized assessed valuation per pupil which is less than the statewide average equalized assessed valuation per pupil and which have a bonded indebtedness which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the Constitution of Missouri.] **Districts with a cumulative percentage growth in fall membership for the three preceding years in excess of nine percent;**

(4) **Districts with a cumulative percentage growth in fall membership for the three preceding years in excess of six percent;**

(5) **Districts that are experiencing overcrowding but do not have the percentages of required new growth described in subdivisions (1) to (4) of this subsection shall qualify pursuant to subdivisions (1) to (4) of this subsection based on the same percentage of need as do districts with new growth based on the method of calculation developed by the department to determine this percentage of need for districts with overcrowding; and**

(6) **Districts for which new school buildings, or additions to existing school buildings, are needed in order to provide for:**

(a) **All-day kindergarten;**

(b) **Educational technology;**

(c) **Inter-district reorganization;**

(d) **Intra-district reorganization; or**

(e) **Increased student safety or student health.**

8. The department shall develop minimum state school building standards that may be used as criteria to determine if a district qualifies for a renovation project. The minimum state school building standards shall be met by any renovation project in order to qualify for matching grant approval by the department.

9. Matching grant applications for renovation shall be funded, as funds allow, for all applications pursuant to subdivision (1) of subsection 10 of this section, then, with the remaining renovation funds, eighty percent of the funds shall be used on applications pursuant to subdivision (2) of subsection 10 of this section and twenty percent of the funds shall be used on applications pursuant to subdivision (3) of subsection 10 of this section. If, at the conclusion of the application period, there are funds available from either the allocation to subdivision (2) or to subdivision (3) of subsection 10 of this section, and if there is a greater need that can be met by transferring the remainder of the unused allocation to the allocation of the other subdivision, then the

department may transfer funds to the allocation of the subdivision with the greater need.

10. For purposes of this subsection, the age of the original building for which the renovation grant is being sought shall be considered the age of the entire school building in question, regardless of subsequent renovations prior to the grant application. Ranking of the applications for offering of matching grants for renovation shall be done in the following order:

(1) Districts with renovation costs in excess of insurance proceeds due to school building destruction caused by natural or man-made disaster. Applications in this subdivision shall be funded in the order that the applications are received by the department. If two or more applications are received on the same day, the district with the lowest assessed valuation per pupil shall be given priority;

(2) School facilities that are thirty-five years old or older, ranked from oldest to newest. If a renovation project is for a school building that is on the National Register of Historic Places, or a similar historic buildings criteria which the state board of education may promulgate by rule, then the project will be ranked ahead of renovation projects for school buildings not so designated. If two or more buildings are the same age, the applications shall be funded in the order that the applications are received by the department. If two or more applications are received on the same day, the district with the lowest assessed valuation per pupil shall be given priority; and

(3) Buildings that are less than thirty-five years of age shall be ranked according to need, with the criteria for need developed by the department.

If a school district can demonstrate that a building that is fifty years old or older should be replaced instead of renovated, the replacement may be approved by the department with funding from renovation projects for buildings thirty-five years of age or older pursuant to subdivision (2) of this subsection. In order to approve a building replacement in lieu of renovation, the department may consider health and safety issues, a comparison of replacement or renovation costs, future energy savings or other criteria developed by the department. It shall be the school district's responsibility to present information to the department, on department developed forms or format, to demonstrate the need for the building replacement.

11. Each district that:

(1) Receives approval of its grant application pursuant to subsections 3 and 4 of this section;

(2) Is eligible pursuant to subsection 5 of this section; and

(3) Qualifies, pursuant to the funding priorities and availabilities of subsections 6 to 10 of this section, for funding; shall receive notification from the department within thirty days of its approval, and the district shall obtain its portion of the matching funds mandated by section 166.305 within one year of the date of its receipt of the notification. Upon obtaining the required matching funds, the district shall submit notification to the department, for approval by the department on forms created by the department. Such notification shall be given within thirty days of obtaining the funds, or as soon as possible prior to the end of the one-year period, whichever occurs first. In the event that the district fails to obtain all of its portion of the matching funds within the one-year period, the district shall forfeit its right to any state matching funds for the school year immediately following such failure, but the district shall not be prohibited from resubmitting its application for the school year next following such occurrence. Any district receiving a renovation matching grant shall not be eligible for another matching grant in any year unless all applications qualifying pursuant to this section for that year from districts which have not yet received a grant pursuant to this section are funded.

[5.] 12. When school building replacement or renovation is caused by [fire or] natural or man-made disaster, the requirement for a school district to have a long-range capital improvements plan, as required by subsection 4 of this section, may be waived by the [state board of education] department of elementary and secondary education.

[6. Each school district participating in a lease purchase from the school building revolving fund shall repay such lease purchase in no more than ten annual payments made on or before June thirtieth of each year. The first such payment

shall be due and payable on June thirtieth of the first full fiscal year following receipt of lease purchase proceeds. Lease purchase repayments shall be immediately deposited to the school building revolving fund by the department. Interest charged to the school district shall not exceed three percent.

7. Any school district which fails to obligate the full amount of a loan from the school building revolving fund for the allowable lease purchase must return the unobligated amount plus interest earned to the department no later than June thirtieth of the second full fiscal year after receipt of loan proceeds.

8. If a school district fails to make an annual payment to the school building revolving fund after notice of nonpayment by the department, members of the board of education and the school district's superintendent shall have violated section 162.091, RSMo, and the attorney general of the state of Missouri shall be notified by the state board of education to begin prosecution procedures.

9. All property purchased pursuant to a lease purchase from the school building revolving fund shall remain the property of the state until such time as the lease purchase has been fully repaid pursuant to this section. If a school district does not make an annual payment to the school building revolving fund after notice of nonpayment by the department, the state board of education may, if the delinquency exceeds one hundred eighty days, take possession of the property. As a part of the lease purchase agreement, the school district shall agree to assume all costs, obligations and liabilities for or arising out of establishment, operation and maintenance of the lease purchase property. Other provisions of law to the contrary notwithstanding, neither the state nor any state agency shall have any obligation for such costs, obligations or liabilities unless and until the state board of education takes possession of the property pursuant to this subsection upon a school district's failure to make annual payments as required in the lease purchase agreement.

10. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the school building revolving fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All yield, interest, income, increment or gain received from time deposit of moneys in the state treasury to the credit of the fund shall be credited by the state treasurer to the fund.]

13. The department shall be responsible for the publication of grant applications that incorporate the criteria of this section and any additional criteria in accordance with this section that the department deems appropriate. Such applications shall be first published on or before January 1, 2002, so that the initial applications for such grants may be acted upon for the 2002-2003 school year.

14. State funds provided pursuant to this section shall not be used for lease purchases.

166.301. All moneys in the school building revolving fund that existed prior to August 28, 2001, and which is hereby abolished, shall be transferred to the school building property tax relief fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the school building property tax relief fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. All yield, interest, income, increment or gain received from time deposits of moneys in the state treasury to the credit of the former school building revolving fund shall be credited by the state treasurer to the property tax relief fund.

166.305. For the purpose of calculating the matching portion for which a school district is responsible pursuant to section 166.300, each school district in this state shall be assigned a local matching percentage pursuant to this section. All school districts in the state shall be rank ordered from lowest to highest based upon the district's equalized, assessed valuation per eligible pupil for the second preceding school year. Each district will be assigned a unique percentage on a sliding scale which assigns a local match percentage of fifty percent to the lowest ranked district and a local match percentage of seventy-five percent to the highest ranked district and assigns a unique percentage to all remaining districts by assigning to districts percentages which are uniformly spaced across the interval from fifty percent to seventy-five percent and based upon the rank ordering.

For a renovation project of a school building on the National Register of Historic Places, or a similar historic buildings criteria which the state board of education may promulgate by rule, the local match percentage will be reduced by five percent.

166.308. 1. For new construction project grant applications pursuant to section 166.300, the department shall match funds with the applicant district up to the following maximum per-pupil state match amounts for new construction costs:

- (1) Eight thousand dollars per high school student that the project is designed to house;**
- (2) Seven thousand dollars per middle school student that the project is designed to house; and**
- (3) Six thousand dollars per elementary school student that the project is designed to house.**

2. For renovation project grant applications pursuant to section 166.300, the department shall match funds with the applicant district up to the following maximum per-pupil state match amounts for total renovation costs:

- (1) Five thousand six hundred dollars per high school student to be housed in the renovated school facility or facilities; and**
- (2) Four thousand nine hundred dollars per middle school student to be housed in the renovated school facility or facilities; and**
- (3) Four thousand two hundred dollars per elementary school student to be housed in the renovated school facility or facilities.**

3. The department shall annually adjust the per-pupil apportionment in this section to reflect construction cost changes. For this purpose, the department may adopt the use of the Consumer Price Index for all Urban Consumers for the United States or its successor index, as defined and officially recorded by the United States Department of Labor or its successor entity or may adopt any other schedule of annual adjustment to accurately reflect such cost changes.

166.311. Moneys in the school building property tax relief fund shall be distributed between the first and fifteenth day of July most immediately following the date on which the department receives notification from an approved school district that such district has obtained its portion of the required matching funds pursuant to section 166.300. The state board of education shall certify the amounts to be distributed to the several school districts to the commissioner of administration who shall issue the warrants therefor. The funds shall be placed to the credit of the capital projects fund by the receiving school district in the amount approved pursuant to sections 166.300 to 166.308. Such moneys shall be used by such district solely for the capital construction or renovation project for which grant approval was awarded and shall not be used to retire debt.

166.314. 1. If any completed allowed project costs more than the estimated final cost submitted to the department by the district, then the district shall be responsible for all of such additional costs.

2. If any completed allowed project costs less than the estimated final cost submitted to the department by the district, then the district shall return the department's percentage of such excess funds, and the department shall deposit such funds in the school building construction and renovation fund established in section 166.300.

3. Upon completion of any project for which funds were granted pursuant to sections 166.300 to 166.324, the school district shall submit a final report to the department. The department may require an audit of these reports or other district records to ensure that all funds received pursuant to sections 166.300 to 166.324 are expended in accordance with program requirements.

4. If the department, after the review of expenditures or audit has been conducted pursuant to this section, determines that a school district failed to expend funds in accordance with this chapter, the department shall notify the school district of the amount that must be repaid to the department within sixty days. If the school district fails to make the required payment within sixty days, the department shall notify the school board and the school district in writing that an amount equal to the unused amount received by the school district shall be

withdrawn from such school district's total amount of state aid calculated pursuant to chapter 163, RSMo, for certain subsequent school years, according to a withholding schedule developed by the department for such district.

166.317. The use of state matching grant moneys by a school district shall not make the department or this state liable for any tort, breach of contract or any other action for damages caused by a school district arising from an approved new construction or renovation project by the district, including, but not limited to, contracts between the school district and its construction contractors, construction managers, architects or engineers. The school district shall be liable for all torts, breaches of contract or any other actions for damages caused by the school district.

166.321. 1. All title to all property acquired, constructed or improved with grant moneys pursuant to sections 166.300 to 166.324 shall be held by the school district to which the department grants such moneys.

2. The applicant school district shall comply with all laws and rules pertaining to the construction, reconstruction or alteration of, or addition to, school buildings.

166.324. The department of elementary and secondary education shall promulgate such rules and forms as are necessary for the operation of sections 166.300 to 166.324. No rule or portion of a rule promulgated pursuant to sections 166.300 to 166.324 shall take effect unless such rule has been promulgated pursuant to chapter 536, RSMo.

167.349. In any school district to which any provisions of sections 167.340 to 167.346 apply and in which district charter schools may be established pursuant to section 160.400, RSMo, any state college or university which provides educational programs to any part of such district **and any campus of the state university located in a county of the third classification** may sponsor one or more charter schools pursuant to section 160.400, RSMo, and, in addition to the purposes for which charter schools may be established pursuant to sections 160.400 to 160.420, RSMo, such charter schools may be established to emphasize remediation of reading deficiencies."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 22

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 3, Section A, Line 1 of said page, by inserting after all of said line the following:

"32.375. 1. Notwithstanding any provision of law to the contrary, in any dispute regarding the potential liability of a taxpayer for collection and remittance or payment of sales or use tax or related interest, additions to tax or penalties, the director of revenue may, at the request of the taxpayer, consider the reasons for the taxpayer's failure to pay the amounts in dispute.

2. The director may abate all or any portion of any amount assessed or decide to not assess any such amount pursuant to this section if the director determines:

(1) The taxpayer took reasonable steps to determine whether the amounts were owed;

(2) Based on information reasonably available to the taxpayer, the taxpayer reasonably believed that the transactions at issue were not subject to tax and that the amounts in dispute were not owed;

(3) At the time of the transactions at issue, the department of revenue had not issued either:

(a) A regulation that indicated that the transactions at issue were subject to tax; or

(b) Any other written or oral communication that the taxpayer knew of or should have known of stating that the transactions at issue were subject to tax; and

(4) In the discretion of the director, such abatement is in the best interest of the state and will not undermine compliance by taxpayers with the tax laws of this state.

3. If the director determines that any amounts may be abated pursuant to this section, as consideration for the abatement, the taxpayer shall agree that:

(1) The taxpayer shall bear his or her own costs, including any attorney fees;

(2) During the three year period beginning with the date of the agreement, the taxpayer shall comply with all sales and use tax obligations arising from the type of transactions that were the basis of the amounts that are the subject of the agreement and the taxpayer shall not challenge or protest any such sales or use tax obligations arising during the three year period; except that any final decision of a court of competent jurisdiction finding such transactions to be nontaxable and any statutory changes that become effective during the three year period shall apply to the taxpayer notwithstanding any provision of the agreement; and

(3) The taxpayer shall not contest in court or otherwise any amount of the liability sought to be abated.

4. If due to a disagreement concerning the amount to be abated the taxpayer does not agree to the terms provided by subsection 3 of this section or if the director determines the amounts in dispute should not be abated, the director shall issue a final decision setting forth the director's determination. Within sixty days after the date on which the director's decision is delivered in person or is mailed to the taxpayer, whichever is earlier, the taxpayer may file a petition for review of the final decision with the administrative hearing commission.

5. On petition for review before the administrative hearing commission, the commission shall consider whether the director's determination was reasonable based on the factors set forth in subsection 2 of this section. The commission may:

(1) Issue an order to the director stating an amount to be abated by the director, if the commission finds the director's decision unreasonable; or

(2) Issue an order denying the relief sought by the taxpayer, if the commission finds the director's determination reasonable.

6. The provisions of subsection 3 of this section shall apply to any abatement ordered by the commission.

7. A decision of the administrative hearing commission pursuant to this section shall not be subject to appeal or petition for review by the taxpayer or the director.

32.378. 1. In addition to the authority granted to the director of revenue and the administrative hearing commission pursuant to section 32.375, the director of revenue may agree to compromise any tax, interest, penalties or additions to tax assessed or collected by the director of revenue on any of the following grounds:

(1) Doubt as to liability, which exists in any case where there is a genuine dispute as to the existence or amount of the correct tax liability under the law;

(2) Doubt as to collectibility, which exists in any case where the amount assessed including interest, additions to tax and penalties exceeds the taxpayer's ability to pay as defined by regulations promulgated by the director of revenue; or

(3) To promote effective tax administration which means that compromise of the liability will not undermine compliance by taxpayers with the tax laws and that:

(a) Collection of the full liability will result in severe economic hardship to the taxpayer; or

(b) Regardless of the taxpayer's financial circumstances, exceptional circumstances exist such that collection of

the full liability will be detrimental to voluntary compliance by taxpayers. Such exceptional circumstances include, but are not limited to, instances where the taxpayer's failure to pay the taxes assessed is the result of circumstances beyond the reasonable control of the taxpayer and is not the result of negligence on the part of the taxpayer, or instances where a reasonable person would not have expected the assessment based on previous policy of the department of revenue or information provided to the taxpayer by the department of revenue.

2. As part of the consideration for any compromise of taxes that is based on subdivisions (2) or (3) of subsection 1 of this section, the taxpayer shall agree:

(1) That the state of Missouri shall keep all payments and other credits applied to the tax, interest, penalties or additions to tax for the periods covered by the offer;

(2) That the state of Missouri shall keep any and all amounts otherwise due the taxpayer as a result of overpayments of any tax or other liability, including interest, additions to tax and penalties, for periods ending before or as of the end of the calendar year in which the offer is accepted; except that the state shall not keep any amounts that, together with amounts already paid on the compromise exceed the liability compromised;

(3) That the taxpayer shall have no right to contest in court or otherwise the amount of the liability compromised;

(4) That the taxpayer shall bear his or her own costs, including any attorney fees;

(5) That during the three year period beginning with the date of the compromise, the taxpayer shall comply with all tax obligations arising from issues or transactions related to the issues or transactions that were the basis of the tax that is the subject of the compromise and that the taxpayer shall not challenge or protest any such tax obligations arising during the three year period; however, any statutory changes that become effective during the three year period shall apply to the taxpayer notwithstanding this provision of the compromise;

(6) That if there is a default in payment of any principal or interest due under terms of the agreement of compromise, or if the taxpayer fails to comply with the provisions of the agreement set forth in subdivision (5) of this subsection, the director of revenue may:

(a) Proceed immediately by suit to collect the entire unpaid balance of the amount agreed upon; or

(b) Proceed immediately by suit to collect as liquidated damages an amount equal to the liability compromised, minus any payments already received under the terms of the agreement, with interest on the unpaid balance from the date of default; or

(c) Disregard the amount of the compromise and apply all amounts previously paid under the agreement against the amount of the liability compromised and assess and collect by levy or suit the balance of the liability. If the director chooses this option, the taxpayer shall have the right to contest in court or otherwise the amount of the liability compromised.

3. The director's remedies under this section are cumulative and the director may pursue any combination of such remedies together or consecutively until the entire liability is paid. No action or inaction by the director shall constitute a waiver or election not to pursue any remedy granted by this section.

4. The taxpayer requesting to compromise payment of taxes, interest, additions to tax, or penalties shall provide any information reasonably requested by the director in order that the director may determine that the offer is made in good faith.

5. If compromise of taxes is agreed upon, any statute of limitations applicable to the assessment and collection of the liability compromised shall be tolled during the period beginning on the date of the compromise and ending one year after the last payment is due pursuant to the agreement.

6. The director's decision to reject or accept an offer of compromise under this section shall be based on consideration of all the facts and circumstances, including the taxpayer's record of overall compliance with the tax laws. Notwithstanding any provision of law to the contrary, the director's decision shall not be subject to review by the administrative hearing commission or any court.

7. The provisions of this section shall not apply to the resolution of any dispute of tax liability in accordance with section 32.375.

Section 1. In the event the department of revenue enters into an agreement with a taxpayer and said agreement exceeds the department's statutory authority and the taxpayer has relied to his detriment, the department shall be permitted to honor said contract. This section shall only apply to cases where the department has collected sales tax that was not owed by the taxpayer."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 23

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 1, In the Title, Line 28, by deleting all of said line and inserting in lieu thereof the following: "subject, with an emergency clause for certain sections."; and

Further amend said bill, Page 39, Section 99.847, Line 12 of said page, by inserting after all of said line the following:

"135.150. 1. [Until January 1, 1987, the director of revenue shall prescribe such rules and regulations necessary to carry out the provisions of sections 135.100 to 135.150.] For taxpayers commencing operations on or after January 1, 2001, no more than four million dollars in tax credits may be authorized in any year under this program. The director of the department of economic development shall determine and implement appropriate procedures to ensure that the cap is not exceeded in any year. These procedures will be submitted to the joint committee on economic development policy and planning pursuant to section 620.080, RSMo.

2. [Beginning January 1, 1987,] The department may adopt such rules, statements of policy, procedures, forms and guidelines as may be necessary for the implementation of this program. The director of economic development shall prescribe the method for submitting applications for [claiming] **participation in the program authorized by sections 135.100 to 135.150 and for a taxpayer receiving tax credits to claim** the tax credits [allowed in] **authorized by** subsections [2 and] 3 **and 4** of section 135.110 and shall, if such application or portion thereof is approved, certify same to the director of revenue or the director of insurance that the taxpayer claiming the credits has satisfied all requirements prescribed in sections 135.100 to 135.150 and is [therefore] eligible to claim the credits. The director of economic development shall also calculate and specify the amount of the credit earned by the taxpayer during the taxpayer's first taxable year in which such credits are claimed and for each of the nine succeeding taxable years the credits are claimed by the taxpayer and shall certify such amounts to the director of revenue or the director of insurance and shall notify the taxpayer in writing of the action taken on [his] **the taxpayer's** request for the credits and if the request for credits is disallowed, the director of economic development shall state the reason or reasons the claim for credit was disallowed. The director shall certify the extent to which earned credits can be claimed to the director of revenue or the director of insurance and shall notify the taxpayer in writing of such determination. [The director of economic development may prescribe such rules and regulations necessary to carry out the provisions of sections 135.100 to 135.150.]

3. The director of revenue and, when appropriate, the director of insurance may prescribe rules and regulations necessary to process the credits following certification by the director of economic development.

4. No rule or portion of a rule promulgated [under the authority of] pursuant to sections 135.100 to 135.160 shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024,] chapter 536, RSMo.

[4.] 5. Any taxpayer who commences operations before January 1, 2002, or any taxpayer who commences operations on or after January 1, 2002, and has been approved for participation in the program and has

submitted an application for claiming tax credits as [allowed in] **authorized by** section 135.110 may file with the director of economic development, a protest within sixty days (one hundred fifty days if the taxpayer is outside the United States) after the date of such certification notice or the date of the notice denying such certification. The protest shall be in writing and shall set forth the grounds on which the protest is based.

[5.] **6.** If a protest is filed, the director of economic development shall consider the taxpayer's grounds for protest and make a determination concerning such protest. The director of economic development shall notify the taxpayer in writing of such determination within thirty days following the date on which the written protest was received. Such notice shall be mailed to the taxpayer by certified or registered mail and such notice shall set forth briefly the director of economic development's findings of fact and the basis of decision.

[6.] **7.** The decision of the director of economic development on the taxpayer's protest is final upon the expiration of thirty days from the date when [he] **the director** mails notice of his **or her** action to the taxpayer unless within this period, the taxpayer seeks review of the [director of economic development's] **director's** determination by the administrative hearing commission, which is hereby authorized."; and

Further amend said bill, Page 59, Section 135.230, Line 22 of said page, by inserting after all of said line the following:

"135.400. As used in sections 135.400 to 135.430, the following terms mean:

(1) "Certificate", a tax credit certificate issued by the department of economic development in accordance with sections 135.400 to 135.430;

(2) "Community bank", either a bank community development corporation or development bank, which are financial organizations which receive investments from commercial financial institutions regulated by the federal reserve, the office of the comptroller of the currency, the office of thrift supervision, or the Missouri division of finance. Community banks, in addition to their other privileges, shall be allowed to make loans to businesses or equity investments in businesses or in real estate provided that such transactions have associated public benefits;

(3) "Community development corporation", [a not for profit corporation and a recipient of Community Development Block Grant (CDBG) funds pursuant to the Housing Community Development Act of 1974. Such corporations design specific, comprehensive programs to stimulate economic development, housing or other public benefits leading to the development of economically sustainable neighborhoods or communities] **a not-for-profit corporation whose board of directors is composed of business, civic and community leaders, and whose primary purpose is to encourage and promote the industrial, economic, entrepreneurial, commercial and civic development or redevelopment of a community or area, including the provision of housing and community economic development projects that benefit low-income individuals and communities;**

(4) "Department", the Missouri department of economic development;

(5) "Director", the director of the department of economic development, or a person acting under the supervision of the director;

(6) "Investment", a transaction in which a Missouri small business or a community bank receives a monetary benefit from an investor pursuant to the provisions of sections 135.403 to 135.414;

(7) "Investor", an individual, partnership, financial institution, trust or corporation meeting the eligibility requirements of sections 135.403 to 135.414. In the case of partnerships and nontaxable trusts, the individual partners or beneficiaries shall be treated as the investors;

(8) "Missouri small business", an independently owned and operated business as defined in Title 15 U.S.C. Section 632(a) and as described by Title 13 C.F.R. Part 121, which is headquartered in Missouri and which employs at least eighty percent of its employees in Missouri, except that no such small business shall employ more than one hundred employees. Such businesses must be involved in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate

commerce, but excluding retail, real estate, insurance or professional services. For the purpose of qualifying for the tax credit pursuant to sections 135.400 to 135.430, "Missouri small business" shall include cooperative marketing associations organized pursuant to chapter 274, RSMo, which are engaged in the business of producing and marketing fuels derived from agriculture commodities, without regard for whether a cooperative marketing association has more than one hundred employees. Cooperative marketing associations organized pursuant to chapter 274, RSMo, shall not be required to comply with the requirements of section 135.414;

(9) "Primary employment", work which pays at least the minimum wage and which is not seasonal or part-time;

(10) "Principal owners", one or more persons who own an aggregate of [fifty] **thirty-five** percent or more of the Missouri small business and who are involved in the operation of the business as a full-time professional activity;

(11) "Project", any commercial or industrial business or other economic development activity undertaken in a target area, designed to reduce conditions of blight, unemployment or widespread reliance on public assistance which creates permanent primary employment opportunities;

(12) "State tax liability", any liability incurred by a taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, section 375.916, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions[;

(13) "Target area", a group of blocks or a self-defined neighborhood where the rate of poverty in the area is greater than twice the national poverty rate and as defined by the department of social services in conjunction with the department of economic development. Areas of the state satisfying the criteria of this subdivision may be designated as a "target area" following appropriate findings made and certified by the departments of economic development and social services. In making such findings, the departments of economic development and social services may use any commonly recognized records and statistical indices published or made available by any agency or instrumentality of the federal or state government. No area of the state shall be a target area until so certified by the department of social services and the revitalization plan submitted pursuant to section 208.335, RSMo, has received approval].

135.403. 1. Any investor who makes a qualified investment in a Missouri small business shall be entitled to receive a tax credit equal to forty percent of the amount of the investment or, in the case of a qualified investment in a Missouri small business in a distressed community as defined by section 135.530, a credit equal to sixty percent of the amount of the investment, and any investor who makes a qualified investment in a community bank or a community development corporation shall be entitled to receive a tax credit equal to fifty percent of the amount of the investment if the investment is made in a community bank or community development corporation for direct investment. The total amount of tax credits available for qualified investments in Missouri small businesses shall not exceed [thirteen] **four** million dollars **per year for ten years** and at least [four] **two** million dollars **per year** of the amount authorized by this section and certified by the department of economic development shall be for investment in Missouri small businesses in distressed communities. Authorization for all or any part of this [four] **two** million [dollar amount] **dollars per year** shall in no way restrict the eligibility of Missouri small businesses in distressed communities, as defined in section 135.530, for the remaining amounts authorized within this section. No more than twenty percent of the tax credits available each year for investments in community banks or community development corporations for direct investment shall be certified for any one project, as defined in section 135.400. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 135.400 to 135.430 and may be used to satisfy the state tax liability of the owner of the certificate that becomes due in the tax year in which the qualified investment is made, or in any of the [ten] **five** tax years thereafter. When the qualified small business is in a distressed community, as defined in section 135.530, the tax credit may also be used to satisfy the state tax liability of the owner of the certificate that was due during each of the previous three years in addition to the year in which the investment is made and any of the [ten] **five** years thereafter. No investor may receive a tax credit pursuant to sections 135.400 to 135.430 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability. The department of revenue shall grant tax credits in the same order as established by subsection 1 of section 32.115, RSMo. Subject to the provisions of sections 135.400 to 135.430, certificates of tax credit issued in accordance with these sections may be transferred, sold or assigned by **filing a notarized endorsement thereof with the department** which names the transferee **and the amount of tax credit transferred**.

2. Five hundred thousand dollars in tax credits shall be available annually from the total amount of tax credits authorized by section 32.110, RSMo, and subdivision (4) of subsection 2 of section 32.115, RSMo, as a result of investments in community banks or community development corporations. Aggregate investments eligible for tax credits in any one Missouri small business shall not be more than one million dollars. Aggregate investments eligible for tax credits in any one Missouri small business shall not be less than five thousand dollars as of the date of issuance of the first tax credit certificate for investment in that business."; and

Further amend said bill, Page 60, Section 135.406, Line 19 of said page, by inserting after all of said line the following:

"135.408. A qualified investment in a Missouri small business may be made either through an unsecured loan or the purchase of equity or unsecured debt securities of such business. Investors in a small business qualifying for tax credits [under] **pursuant to** the provisions of sections 135.400 to 135.430, however, must collectively own less than [fifty] **sixty-five** percent of a business after their investments are made. Qualified investments in a Missouri small business must be expended for capital improvements, plant, equipment, research and development, or working capital for the business or such business activity as may be approved by the department.

135.411. The amount of the qualified investment made in a Missouri small business must remain in that business for a minimum of [five] **three years and, if the business is in a distressed community, it must remain in the distressed community for a minimum of five years.** Withdrawal of the investment prior to **expiration of** the minimum [five-year] period shall result in revocation of the tax credit, and repayment of any amounts of the tax credit already applied against the investor's state tax liability, **but the department may pro rate the revocation or repayment authorized by this section. The sale, change in control or going public of a business shall not trigger such a revocation if the business continues to operate.**

135.423. **Except as otherwise provided in this section,** the department may revoke a tax credit certificate **issued pursuant to sections 135.400 to 135.430 or enforce repayment of any amounts of the tax credit already applied against the investor's state liability** if any representation to the department in connection with the application proves to have been false when made or if the application violates any conditions established by the department and stated in the tax credit certificate. The revocation may be in full or in part as the department may determine. The department shall specify the amount of credit being revoked and shall send notice of the revocation to the investor and to the state department of revenue. **Any revocation, partial revocation or repayment of a tax credit issued pursuant to sections 135.400 to 135.430 shall apply only to the original applicant for the tax credit and not to a good faith subsequent purchaser or transferee thereof.**"; and

Further amend said bill, Page 71, Section 135.487, Line 11 of said page, by inserting after all of said line the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote [ten] **fifteen** percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person [ten] **fifteen** percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family

member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business", any debt, equity or hybrid security, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business. Capital in a qualified Missouri business shall not include secured debt instruments;

(4) "Certified capital **investment**", an investment of cash by an investor in a Missouri certified capital company **that fully funds either the investor's equity interest in a certified capital company, a qualified debt instrument that a certified capital company issues, or both;**

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not-for-profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Liquidating distribution", payments to investors or to the certified capital company from earnings;

(10) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(11) "**Qualified debt instrument**", **a debt instrument that a certified capital company issues at par value or at a premium that:**

(a) Has an original maturity date of at least five years from the date on which it was issued;

(b) Has a repayment schedule that is no faster than a level principal amortization; and

(c) Until the certified capital company may make distributions other than qualified distributions, the interest, distribution or payment features of which are not related to the certified capital company's profitability or the performance of its investment portfolio;

(12) "Qualified distribution", any distribution of payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company [; and] **which, on an annual basis, do not exceed two and one-half percent of the certified capital company's total certified capital;**

(c) Reasonable and necessary fees paid for professional services related to the operation of the certified capital company; and

[(c)] **(d)** Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

[(12)] **(13) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business. The investment must also be for the purchase of an equity security of the qualified business or a debt security of the qualified business, provided the debt has a maturity of at least one year. The debt security must be unsecured or be convertible into equity securities or equity participation instruments such as options or warrants. As a condition of the investment, the qualified business must agree to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment;**

(14) "Qualified Missouri agricultural business", any independently owned and operated business, which is headquartered and located in Missouri, which is involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians, and which is either:

(a) A rural agricultural business whose projects add value to agricultural products and aid the economy of a rural community, including any development facility as defined in subdivision (3) of subsection 2 of section 348.430, RSMo, and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or

(b) Any business that is an eligible borrower as described pursuant to Section 4279.108 of the Rural Development Instructions of the United States Department of Agriculture and whose gross sales during its most recent complete fiscal year shall not have exceeded five million dollars;

[(13)] **(15) "Qualified Missouri business", an independently owned and operated business, which is headquartered and [located] has its principal business operations in Missouri and which is in need of venture capital and cannot obtain conventional financing. Such business:**

(a) Shall have no more than two hundred employees[.];

(b) Shall have at least eighty percent of [which are] its employees employed in Missouri[. Such business];

(c) Shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians[.];

(d) If [such business] it has been in existence for three years or less, its gross sales during its most recent complete fiscal years shall not have exceeded four million dollars. If such business has been in existence for longer than three years, its gross sales during its most recent complete fiscal year shall not have exceeded three million dollars[.];

(e) Shall certify that it will maintain its headquarters and principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment; and

(f) If any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the [other] qualifications of paragraphs (a), (b) and (d) of this [subsection] subdivision at the time of such follow-on investments, provided, however, that such business continues to meet the other requirements set forth in this subdivision, and such business reaffirms its intention to maintain its headquarters and its principal business operations in this state, or in a distressed community, if the investment is to be credited to a distressed community allocation;

[(14)] **(16)** "State premium tax liability", any liability incurred by an insurance company pursuant to the provisions of section 148.320, 148.340, 148.370 or 148.376, RSMo, and any other related provisions, which may impose a tax upon the premium income of insurance companies after January 1, 1997.

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. An insurance company claiming a state premium tax credit earned through an investment in a certified capital company shall not be required to pay any additional retaliatory tax levied pursuant to section 375.916, RSMo, as a result of claiming such credit.

3. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized. The maximum amount of certified capital in one or more certified capital companies for which earned and vested tax credits will be allowed in any year to any one investor or its affiliates shall be limited to ten million dollars.

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section. During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. [Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection.] The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to sections 135.500 to 135.529 shall be the following: for calendar year 1999 [and for any year thereafter,] an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year; **and for calendar year 2002, an amount to be determined by the director, but not to exceed forty million dollars, entitling all Missouri certified capital company investors in the applicable funds to take aggregate credits not to exceed four million dollars for any year,** with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, RSMo, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years or pursuant to the provisions of subsection 4 **or 5** of this section to take them, pursuant to subsection 1 of this section. For purposes of any requirement regarding the schedule of qualified investments for certified capital for which earned and vested credits against state premium tax liability are allowed pursuant to this subsection only, the definition of a "qualified Missouri business" as set forth in subdivision [(13)] **(15)** of subsection 2 of section 135.500 means:

(a) A Missouri business that is located in a distressed community as defined in section 135.530, has at least eighty percent of its employees in distressed communities, and meets all of the requirements of subdivision [(13)] (15) of subsection 2 of section 135.500, except that its gross sales during its most recent complete fiscal year shall not have exceeded five million dollars; or

(b) With respect to certified capital invested in 2002, a qualified Missouri agricultural business.

During any calendar year in which the limitation described in this subsection limits the amount of additional certified capital for which earned and vested credits against state premium tax liability are allowed, additional certified capital for which credits are allowed shall be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516 with respect to such additional certified capital. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 4 of this section. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to subsection 4 of this section shall limit the amount of certified capital for which credits are allowed pursuant to this subsection. No limitation applicable to any certified capital company with respect to certified capital for which credits are allowed pursuant to this subsection shall limit the amount of certified capital for which credits are allowed pursuant to subsection 4 of this section.

6. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection [3] **4 or 5** of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department.

7. In no event shall the cumulative amount of tax credits authorized by this section exceed one hundred eighty million dollars.

135.508. **1.** The department may certify profit or not-for-profit entities which submit an application to be designated as a Missouri certified capital company. The department shall review the organizational documents for each applicant for certification and the business history of the applicant, determine that the Missouri certified capital company's cash, marketable securities and other liquid assets are at least five hundred thousand dollars, determine that the liquid asset base for certified companies is at least five hundred thousand dollars at all times during the company's participation in the program authorized by sections 135.500 to 135.529, and determine that the officers and the board of directors, partners, trustees or managers are thoroughly acquainted with the requirements of sections 135.500 to 135.529.

2. To be certified, at least two of the principals have a minimum of five years of experience making venture capital investments out of private equity funds, with no less than twenty million dollars being provided by third-party investors for investment in the early stage of operating businesses. At least one full-time manager or principal of the certified capital company who has such experience must be primarily located in an office of the certified capital company which is based in this state.

3. To be certified, there must be no evidence that the applicant has:

(1) Violated any provision of this law;

(2) Made a material misrepresentation or false statement or concealed any essential or material fact from any person during the application process or with respect to information and reports required of certified capital companies pursuant to this law;

(3) Been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state or of the United States or any other country or government, including a fraudulent act in connection with the operation of a certified capital company, or in connection with the performance of fiduciary duties in another capacity;

(4) Been adjudicated liable in a civil action on grounds of fraud, embezzlement, misrepresentation or deceit; or

(5) Been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment or administrative order by any court of competent jurisdiction, administrative law judge, or any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities or option association, involving a material violation of any federal or state securities or commodities law or any rule or regulation adopted pursuant to such law, or any rule or regulation of any national securities, commodities or options exchange, or national securities, commodities or options association; or

(6) Been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers or other related or similar industries.

4. No insurance company which receives tax credits permitted under sections 135.500 to 135.529 for an investment in a Missouri certified capital company shall, individually or with or through one or more affiliates, be a managing general partner of or control the direction of investments of that Missouri certified capital company. Within seventy-five days of application, the department shall either issue the certification and notify the department of revenue and the director of the department of insurance of such certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including the suggestions for the removal of those grounds.

5. The department shall be responsible for the administration of the tax credits authorized by sections 135.500 to 135.529. No rule or portion of a rule promulgated under the authority of sections 135.500 to 135.529 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments. A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital

company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen- working-day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company[, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate]:

(a) Shall be held in a financial institution or held by a registered broker-dealer;

(b) Shall not be invested in a certified investor of the certified capital company or any affiliate of the certified investor of the certified capital company;

(c) Shall be invested only in:

a. Any United States Treasury obligations;

b. Certificates of deposit or other obligations, maturing within three years after acquisitions of such certificates or obligations, issued by a financial institution or trust company incorporated pursuant to the laws of the United States;

c. Obligations which (i) are rated "A" or better by any nationally recognized credit rating agency, or (ii) issued by, or guaranteed with respect to payment by, an entity whose unsecured indebtedness is rated "A" or better by any nationally recognized credit rating agency and which is not subordinated to other unsecured indebtedness of the issuer or guarantor, as the case may be;

d. Mortgage-backed securities, with an average life of five years or less, after the acquisition of such securities, which are rated "A" or better by any nationally recognized credit rating agency;

e. Collateralized mortgage obligations and real estate mortgage investment conduits that are direct obligations of an agency of the United States government, are not private-label issues, are in book-entry form, and do not include the classes of interest only, principal only, residual or zero; or

f. Interests in money market funds, the portfolio of which is limited to cash and obligations described in subparagraphs a to e of this paragraph.

2. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

[2.] **3.** A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have placed an amount cumulatively equal to one hundred percent of its certified capital in qualified investments, **and, with respect to qualified investments made with certified capital raised after August 28, 2001, twenty-five percent of such qualified investment must be in qualified Missouri agricultural businesses.** Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of

the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

4. In the event that a business in which a qualified investment is made fails to comply with its agreement to retain its headquarters and principal business operations in the state, or in a distressed community, if the investment is to be credited to a distressed community allocation, for three years following any qualified investment, by relocating its headquarters or principal business operations of such business within the state to another state, the cumulative amount of qualified investment shall be reduced for purposes of this subsection only by the amount of such qualified investment, unless:

(1) The certified capital company invests an amount of at least equal to the investment of certified capital in the relocated business in a qualified business located in the state or in a distressed community, if the investment is to be credited to a distressed community allocation, within six months of the relocation; or

(2) The business demonstrates that it has returned its principal business operations to Missouri or a distressed community, if the investment is to be credited to a distressed community allocation, within three months of such relocation.

[3.] **5.** No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment.

[4.] **6.** Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

[5.] **7.** Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection [3] **4** of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529.

135.527. 1. On an annual basis, on or before January thirty-first, each certified capital company shall file with the department, on forms or in a manner prescribed by the department, a report for the period ending December thirty-first of the immediately preceding calendar year:

(1) The total dollar amount the certified capital company received from certified investors, the identity of the

certified investors and the amount received from each certified investor;

(2) The total dollar amount the certified capital company invested and the amount invested in qualified businesses, together with the identity and location of those businesses and the amount invested in each qualified business; and

(3) The total number of permanent, full-time jobs either created or retained by the qualified business, the average wage of the jobs created or retained, the industry sectors in which the qualified businesses operate and any additional capital invested in qualified businesses from sources other than certified capital companies.

2. The report shall be verified by one or more principals of the certified capital company submitting the form.

3. The department may audit and examine the accounts, books or records of certified capital companies, certified investors and qualified Missouri businesses that received qualified investments for the purpose of ascertaining the correctness of any report filed, and to ascertain a certified capital company's compliance with the provisions of sections 135.500 to 135.529.

4. Beginning on March 31, 2002, and on March thirty-first of each even-numbered year thereafter, the department shall report on a biennial basis to the governor, the speaker of the house of representatives, and the president pro tempore of the senate on or before April first:

(1) The total dollar amount each certified capital company received from all certified investors and any other investor, the identity of the certified investors, and the total amount of premium tax credit used by each certified investor for the previous calendar year;

(2) The total dollar amount invested by each certified capital company and that portion invested in qualified businesses, the identity and location of those businesses, the amount invested in each qualified business and the total number of permanent, full-time jobs created or retained by each qualified business; and

(3) The return for the state as a result of the certified capital company investments, including the extent to which:

(a) Certified capital company investments have contributed to employment growth;

(b) The wage level of businesses in which certified capital companies have invested exceeds the average wage for the county in which the jobs are located; and

(c) The investments of the certified capital companies in qualified businesses have contributed to expanding or diversifying the economic base of the state."; and

Further amend said bill, Page 72, Section 135.530, Line 16 of said page, by inserting after all of said line the following:

"[135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate standard industrial classification numbers to the companies which are

eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. A corporation, partnership or sole proprietorship, which has no more than one hundred employees for whom payroll taxes are paid, and which is already located in a distressed community, which expends funds for such equipment as set forth in this subsection in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a twenty-five percent tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, up to a maximum of seventy-five thousand dollars in tax credits for such additional equipment and expense per such entity. Tax credits pursuant to this subsection or subsection 1 may be used to satisfy the state tax liability due in the tax year the credit is certified, and that was due during the previous three years, and in any of the five tax years thereafter.

4. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

5. The tax credits allowed pursuant to subsections 1, 2 and 3 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 3 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 4 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

6. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1 or 3 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

7. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

8. An existing business located within a distressed community, that hires new employees within such distressed

communities may be eligible for the tax credits provided in this section. In order to be eligible for such tax credits, the business located within the distressed community, during one of its tax years, must employ within such distressed communities at least twice as many workers as were employed at the beginning of that tax year. Prior to the addition of the new employees, the business shall have no more than one hundred employees. The provisions of this section shall apply only to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, or telecommunications business or a professional firm.]

135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than [seventy-five] **sixty** percent of its employees at [the facility] **facilities** in [the] distressed [community] **communities**, and which has fewer than one hundred **fifty** employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall [assign] **specify which** appropriate standard industrial classification numbers [to the companies which are], **or North American Industrial Classification System numbers assigned to a business make the business** eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall, also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for **the purchase of or at least a two-year lease of** computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of [seventy-five] **one hundred fifty** thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community. **The maximum tax credit allowed pursuant to this subsection shall apply to entities which have previously qualified for a tax credit pursuant to this subsection for future tax years for which such entities qualify.**

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than [one] **two** hundred employees **in the distressed community** before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by **filing a notarized endorsement thereof with the department** which names the transferee **and the amount of tax credits transferred, and any revocation, partial revocation or repayment of a tax credit issued pursuant to this section shall apply only to the original applicant for the tax credit and not to a good faith subsequent purchaser or transferee thereof.**

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than [ten] **seven million five hundred thousand** dollars for each year beginning in 1999. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period. **A change in ownership or control of a taxpayer shall not revoke or otherwise restrict the tax credits allowed pursuant to this section.**

135.545. A taxpayer shall be allowed a credit for taxes paid pursuant to chapter 143, 147 or 148, RSMo, in an amount equal to fifty percent of a qualified investment in transportation development for aviation, mass transportation, including parking facilities for users of mass transportation, railroads, ports, including parking facilities and limited access roads within ports, waterborne transportation, bicycle and pedestrian paths, or rolling stock located in a distressed community as defined in section 135.530, and which are part of a development plan approved by the appropriate local agency. If the department of economic development determines the investment has been so approved, the department shall grant the tax credit in order of date received. A taxpayer may carry forward any unused tax credit for up to ten years and may carry it back for the previous three years until such credit has been fully claimed. Certificates of tax credit issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee. The tax credits allowed pursuant to this section shall be for an amount of no more than [ten] **seven million five hundred thousand** dollars for each year. This credit shall apply to returns filed for all taxable years beginning on or after January 1, 1999. [Any unused portion of the tax credit authorized pursuant to this section shall be available for use in the future by those entities until fully claimed.]; and

Further amend said bill, Page 112, Section 347.189, Line 21 of said page, by inserting after all of said line the following:

"348.300. As used in sections 348.300 to 348.318, the following terms mean:

- (1) "Commercial activity located in Missouri", any research, development, prototype fabrication, and subsequent precommercialization activity, or any activity related thereto, conducted in Missouri for the purpose of producing a service or a product or process for manufacture, assembly or sale or developing a service based on such a product or process by any person, corporation, partnership, joint venture, unincorporated association, trust or other organization doing business in Missouri. Subsequent to January 1, 1999, a commercial activity located in Missouri shall mean only such activity that is located within a distressed community, as defined in section 135.530, RSMo;
- (2) "Follow-up capital", capital provided to a commercial activity located in Missouri **or any other Missouri business** in which a qualified fund has previously invested seed capital or start-up capital **within the previous three years** and which does not exceed ten times the amount of such seed and start-up capital;
- (3) "Qualified contribution", cash contribution to a qualified fund;
- (4) "Qualified economic development organization", any corporation organized under the provisions of chapter 355, RSMo, which has as of January 1, 1991, obtained a contract with the department of economic development to operate an innovation center to promote, assist and coordinate the research and development of new services, products or processes in the state of Missouri; and the Missouri technology corporation organized pursuant to the provisions of sections 348.253 to 348.266;
- (5) "Qualified fund", any corporation, partnership, joint venture, unincorporated association, trust or other organization which is established under the laws of Missouri after December 31, 1985, which meets all of the following requirements established by this subdivision. The fund shall have as its sole purpose and business the making of investments, of which at least ninety percent of the dollars invested shall be qualified investments. The fund shall enter into a contract with one or more qualified economic development organizations which shall entitle the qualified economic development organizations to receive not less than ten percent of all distributions of equity and dividends or other earnings of the fund **only when such distributions of equity and dividends are made or other earnings are distributed**. Such contracts shall require the qualified fund to transfer to the Missouri technology corporation organized pursuant to the provisions of sections 348.253 to 348.266, this interest and make corresponding distributions thereto in the event the qualified economic development organization holding such interest is dissolved or ceases to do business for a period of one year or more;
- (6) "Qualified investment", any investment of seed capital, start-up capital, or follow-up capital in any commercial activity located in Missouri;
- (7) "Person", any individual, corporation, partnership or other entity;
- (8) "Seed capital", capital provided to a commercial activity located in Missouri for research, development and precommercialization activities to prove a concept for a new product or process or service, and for activities related thereto;
- (9) "Start-up capital", capital provided to a commercial activity located in Missouri for use in preproduction product development or service development or initial marketing thereof, and for activities related thereto;
- (10) "State tax liability", any state tax liability incurred by a taxpayer under the provisions of chapters 143, 147 and 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions;
- (11) "Uninvested capital", the amount of any distribution, other than of earnings, by a qualified fund made within five years of the issuance of a certificate of tax credit as provided by sections 348.300 to 348.318; or the portion of all qualified contributions to a qualified fund which are not invested as qualified investments within five years of the

issuance of a certificate of tax credit as provided by sections 348.300 to 348.318 to the extent that the amount not so invested exceeds ten percent of all such qualified contributions."; and

Further amend said bill, Page 119, Section 447.700, Line 10 of said page, by inserting after all of said line the following:

"[620.1400. Sections 620.1400 to 620.1460 shall be known and may be cited as the "Missouri Individual Training Account Program Act" and its provisions shall be effective only within distressed communities as defined by section 135.530, RSMo.]

[620.1410. There is hereby established an "Individual Training Account Program" within the department of economic development. Job training and retraining activities conducted pursuant to the provisions of sections 620.1400 to 620.1460 shall be directed to employee advancement, where jobs are linked to training before the training commences, and shall emphasize upgrade training where current or potential employers, by means of educational programs, provide existing employees with training for higher skilled positions. Job training activities provided pursuant to the provisions of the individual training account program shall attempt to prepare employed workers, including those with obsolete or inadequate job skills, for positions that remain unfilled or that may be created by current or potential employers.]

[620.1420. As used in sections 620.1400 to 620.1460, the following terms mean:

- (1) "Costs of classroom training", the normal costs incurred in the provision of classroom training which may also include specifically identified costs incurred for instructors, classroom space and facilities, administrative support services, and directly related expenses, that together do not exceed the amount normally allowed for support of vocational and technical classes;
- (2) "Department", the department of economic development;
- (3) "Employee", a full-time or part-time employed worker whose salary is equal to or less than two hundred percent of the federal poverty level;
- (4) "Employee upgrade training", the progressive development of skills associated with the defined set of work processes. Such training shall be consistent with a career pattern of advancement, as measured by skill proficiency and the progressive earnings and related benefits, that are recognized within an occupation, trade or industry;
- (5) "Individual training account", an account funded by the tax credits provided for in section 620.1440 for the provision of employee upgrade training to employees through their participation in classroom training provided by educational institutions;
- (6) "Local educational institution", a publicly funded or privately funded local educational institution which is certified by a recognized accrediting association as capable of providing adequate classroom training to accomplish the purpose of sections 620.1400 to 620.1460.]

[620.1430. 1. A Missouri employer who desires to participate in the individual training account program shall provide the department of economic development with notification of intent to participate. The notification shall include, but need not be limited to, the names and occupations of employees whom the employer has selected to be trained, whether or not the employees are currently working for the employer, the name of the local educational institution that will provide the training, and a brief description of the training to be given by the institution.

2. The employer shall have complete discretion in the selection of the local educational institution or institutions to provide training and shall be responsible for the payment of the costs of classroom training.]

[620.1440. 1. Employers may be reimbursed for the costs of training provided pursuant to the provisions of the individual training account program. Such reimbursement shall be in the form of tax credits as authorized in subsection 2 of this section. The tax credits may be claimed for courses provided in no more than two calendar years for each employee. For each year, the maximum amount of credit per employee which can be certified by the department of

economic development shall be the lesser of fifty percent of the costs of classroom training or one thousand five hundred dollars.

2. Tax credits may be claimed against any liability incurred by the employer pursuant to the provisions of chapter 143, RSMo, and chapter 148, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo. Earned tax credits may be carried forward for a period not to exceed five years and may be sold or transferred.

3. No claim for tax credits submitted to the department by an employer shall be certified until the employer provides documentation that an employee has successfully completed the employee's course training and has been employed by the employer in a new, full-time position for a period of at least three months. It must be demonstrated satisfactorily to the department that the new position in which the employee located is an upgrade in employment, in terms of salary and responsibilities, from the previously held position. All such increases in salary shall be in addition to normal cost-of-living increases provided for in authorized labor-management contracts. If the employee was previously employed in a part-time position, the base salary for the position shall be calculated as if it were a full-time position.]

[620.1450. The maximum amount of tax credits allowable pursuant to the provisions of the individual training account program shall not annually exceed six million dollars.]

[620.1460. The department of economic development may promulgate necessary rules and regulations to carry out the provisions of sections 620.1400 to 620.1460. No rule or portion of a rule promulgated pursuant to the authority of sections 620.1400 to 620.1460 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.]";and

Further amend said bill, Page 130, Section 1, Line 10 of said page, by inserting after all of said line the following:

"Section B. Because of the need to reallocate and extend the tax credits contained in this section, the repeal and reenactment of sections 135.150, 135.400, 135.403, 135.408, 135.411, 135.423, 135.535, 135.545 and 348.300, and the repeal of sections 135.535, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1460 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 135.150, 135.400, 135.403, 135.408, 135.411, 135.423, 135.535, 135.545 and 348.300, and the repeal of sections 135.535, 620.1400, 620.1410, 620.1420, 620.1430, 620.1440, 620.1450 and 620.1460 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 24

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 112, Section 347.189, Line 21, by adding after all of said line the following:

"348.302. 1. Any person who makes a qualified contribution to a qualified fund shall be entitled to receive a tax credit equal to **sixty** percent of the amount of the qualified contribution. The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of sections 348.300 to 348.318 and may be used to satisfy the state tax liability of the owner of such certificate that becomes due in the tax year in which the qualified contribution is made, or in any of the ten tax years thereafter. No person may receive a tax credit pursuant to sections 348.300 to 348.318 unless that person presents a tax credit certificate to the department of revenue for payment of such state tax liability.

2. The amount of such qualified contributions which can be made is limited so that the aggregate of all tax credits authorized [under] **pursuant to** the provisions of sections 348.300 to 348.318 shall not exceed [nine] **four** million dollars **per year plus any unused amounts from the previous year pursuant to sections 135.535 and 135.545, RSMo.** All tax credits authorized [under] **pursuant to** the provisions of this section may be transferred, sold or assigned **by filing a notarized endorsement thereof with the department which names the transferee and the amount of tax credits transferred.**"; and

Further amend said title, enacting clause and intersectional references.

HOUSE AMENDMENT NO. 25

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 172.930, Line 24, by inserting after all of said section the following:

"177.086. 1. Any school district authorizing the construction of facilities which may exceed an expenditure of [twelve thousand five hundred] **twenty-five thousand** dollars shall publicly advertise[, for two successive weeks,] in a newspaper of general publication, located within the county in which said school district is located, or if there be no such newspaper, in a newspaper of general publication in an adjoining county for bids on said construction **for any two days of highest readership in a period of two consecutive weeks. It shall be sufficient notice for a school district to place a minimal notice in the newspaper pursuant to this subsection directing attention to full notice when the district also posts a full notice at the school district building headquarters and, if applicable, on the Internet.**

2. No bids shall be entertained by the school district which are not made in accordance with the specifications furnished by them and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting, provided that the said school district shall have the right to reject any and all bids.

3. All bids must be submitted sealed and in writing, to be opened publicly at time and place of the district's choosing.

4. If a board of education, by unanimous decision of the whole board, declares the repair of a structure an emergency, the requirements of subsection 1 of this section shall be waived. The necessity of the repair must be the result of an unanticipated occurrence. The district shall make a reasonable effort to secure competitive bids for such repairs or replacements."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 26

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 35, Section 71.194, Line 5, by inserting the following after said line:

"72.300. Any two or more municipalities which are adjoining or contiguous to each other on two or more sides and which are located in a county of the third class having a population of not less than [twenty-five] **twenty thousand** nor more than thirty thousand may provide for the absorption of the corporate existence and the territorial limits of one or more of the municipalities by another such municipality in the manner provided in sections 72.300 to 72.350."; and

Further amend said title, enacting clause and intersectional reference accordingly.

HOUSE AMENDMENT NO. 27

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting after all of said line the following:

"139.050. 1. In all constitutional charter cities in this state which have seven hundred thousand inhabitants or more, all current and all delinquent general, school and city taxes may be paid entirely, or in installments of at least twenty-five percent of the taxes, and the delinquent taxes shall bear interest at the rate provided by section 140.100, RSMo, and shall be subject to the fees provided by law.

2. The director of revenue shall issue receipts for the partial payments.

3. Subsection 1 of this section shall not apply to payments for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined

in Title 24, Part 3500, Section 17, Code of Federal Regulations.

139.052. 1. The governing body of any county may by ordinance or order provide for the payment of all or any part of current and delinquent real property taxes, in such installments and on such terms as the governing body deems appropriate. Additionally, the county legislative body may limit the right to pay such taxes in installments to certain classes of taxpayers, as may be prescribed by ordinance or order. Any delinquent taxes shall bear interest at the rate provided by section 140.100, RSMo, and shall be subject to the fees provided by law.

2. The county official charged with the duties of the collector shall issue receipts for any installment payments.

3. Installment payments made at any time during a tax year shall not affect the taxpayer's right to protest the amount of such tax payments under applicable provisions of law.

4. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations.

139.053. 1. The governing body of any county, excluding township counties, may by ordinance or order provide for the payment of all or any part of current real and personal property taxes which are owed, at the option of the taxpayer, on an annual, semiannual or quarterly basis at such times as determined by such governing body.

2. The ordinance shall provide the method by which the amount of property taxes owed for the current tax year in which the payments are to be made shall be estimated. The collector shall submit to the governing body the procedures by which taxes will be collected pursuant to the ordinance or order. The estimate shall be based on the previous tax year's liability. A taxpayer's payment schedule shall be based on the estimate divided by the number of pay periods in which payments are to be made. The taxpayer shall at the end of the tax year pay any amounts owed in excess of the estimate for such year. The county shall at the end of the tax year refund to the taxpayer any amounts paid in excess of the property tax owed for such year. No interest shall be paid by the county on excess amounts owed to the taxpayer. Any refund paid the taxpayer pursuant to this subsection shall be an amount paid by the county only once in a calendar year.

3. If a taxpayer fails to make an installment payment of a portion of the real or personal property taxes owed to the county, then such county may charge the taxpayer interest on the amount of property taxes still owed for that year.

4. Any governing body enacting the ordinance or order specified in this section shall first agree to provide the county collector with reasonable and necessary funds to implement the ordinance or order.

5. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations which they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulations."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 29

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 172.930, by removing said section from the bill; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 30

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 72, Section 135.530, Line 16, by inserting after said line the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of [all taxable real property in the county owned by the person, or under his or her care, charge or management, and] all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county of the first classification with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

- (1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and
- (2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this paragraph, the word "comparable" means that:
 - (a) Such sale was closed at a date relevant to the property valuation; and
 - (b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percents of their true value in money:

- (1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;
- (2) Livestock, twelve percent;
- (3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(1) For real property in subclass (1), nineteen percent;

(2) For real property in subclass (2), twelve percent; and

(3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. A manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. A manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home has been converted to real property in compliance with section 700.111, RSMo, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. If the assessor increases the assessed valuation of any parcel of subclass (1) real property by more than seventeen percent since the last assessment, excluding increases due to new construction or improvements, then the assessor shall

conduct a physical inspection of such property.

137.155. 1. The oath to be signed and affirmed or sworn to by each person making a list of property required by this chapter is as follows:

I,, do solemnly swear, or affirm, that the foregoing list contains a true and correct statement of all the [real property and] tangible personal property, made taxable by the laws of the state of Missouri, which I owned or which I had under my charge or management on the first day of January, 19.... I further solemnly swear, or affirm, that I have not sent or taken, or caused to be sent or taken, any property out of this state to avoid taxation. So help me God.

2. Any person who refuses to make oath or affirmation to his **or her** list, when required so to do by the assessor or his **or her** deputy, shall, upon conviction, be deemed guilty of a misdemeanor and no property shall be exempt from executions issued on judgments in prosecutions [under] **pursuant to** this section.

3. The list and oath shall be filed by the assessor, after [he] **the assessor** has completed his [assessor's] **or her** books, in the office of the county clerk, who, after entering the filing thereon, shall preserve and safely keep them.

137.360. 1. The certificate to be signed by each person making a list of property required by sections 137.325 to 137.420 shall be as follows:

I,, do hereby certify that the foregoing list contains a true and correct statement of all the [real property and] tangible personal property made taxable by the laws of the state of Missouri, which I owned or which I had under my charge or management on the first day of January, 19.... I further certify that I have not sent or taken or caused to be sent or taken any property out of this state to avoid taxation. Any person who refuses to make the certification to his **or her** list, when required so to do by the assessor or his **or her** deputy, shall upon conviction be deemed guilty of a misdemeanor and no property shall be exempt from executions issued on judgments in prosecutions [under] **pursuant to** this section.

2. The list and certificate shall be filed by the assessor after [he] **the assessor** has completed his [assessor's] **or her** books in the office of the county clerk who, after entering the filing thereon, shall preserve and safely keep them."; and

Further amend the title and enacting clause accordingly

HOUSE AMENDMENT NO. 31

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 130, Line 10, by inserting after all of said line the following:

"Section 1. The state of Missouri hereby waives all rights to its possibility of reverter in the real property particularly described in the quitclaim deed in Book 279 at Pages 76-77 of the office of the recorder of deeds of Scott County."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 32

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 72, Section 137.239, by deleting all of said section and amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 34

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 6, Section 50.1000 15 (d), Line 12, by inserting the following at the end of said line:

"50.1010. There is hereby authorized a "County Employees' Retirement Fund" which shall be under the management of a board of directors described in section 50.1030. The board of directors shall be responsible for the administration

and the investment of the funds of such county employees' retirement fund. If insufficient funds are generated to provide the benefits payable pursuant to the provisions of sections 50.1000 to 50.1200, the board shall apportion the benefits according to the funds available. **An individual who is in a job classification, which the Retirement System determines is not eligible for coverage under the Retirement System after September 1, 2001, shall not be considered an Employee, unless adequate additional funds are provided for the costs associated with such coverage."**; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 35

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Pages 35 and 36, Section 77.370, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 36

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting immediately after said line the following:

"140.012 Notwithstanding any other law to the contrary, if any real estate tax payment due under the authority of this chapter is delivered by United States mail to the county collector after the due date for such payment, the date of the United States postmark stamped on the envelop shall be deemed to be the date of delivery. This section shall apply only if the postmark date is on or before the due date for payment of real estate taxes and only if such payment was deposited in the mail postage prepaid, properly addressed to the county collector with whom the payment is required to be filed. If any document is sent by United States registered or certified mail, such registration or certification shall be prima facie evidence that such document was delivered to the person to which or to whom it is addressed. When the due date for payment of real estate taxes falls on a Saturday, a Sunday, or a legal holiday in this state, the payment shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 38

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 119, Section 447.700, by inserting after all of said section the following:

"447.721. 1. There is hereby created in the state treasury the "Contiguous Property Redevelopment Fund", which shall consist of all moneys appropriated to the fund, all moneys required by law to be deposited in the fund, and all gifts, bequests or donations of any kind to the fund. The fund shall be administered by the department of economic development. Subject to appropriation, the fund shall be used solely for the administration of and the purposes described in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the general revenue fund at the end of the biennium; provided, however, that all moneys in the fund on August 28, 2006, shall be transferred to the general revenue fund and the fund shall be abolished as of that date. All interest and moneys earned on investments from moneys in the fund shall be credited to the fund.

2. The governing body of any city not within a county, any county of the first classification without a charter form of government and a population of more than two hundred seven thousand but less than three hundred thousand, any county of the first classification with a population of more than nine hundred thousand, any city with a population of more than three hundred fifty thousand that is located in more than one county or any county of the first classification with a charter form of government and a population of more then six hundred thousand but less than nine hundred thousand may apply to the department of economic development for a

grant from the contiguous property redevelopment fund. The department of economic development may promulgate the form for such applications in a manner consistent with this section. Grants from the fund may be made to the governing body to assist the body both acquiring multiple contiguous properties within such city and engaging in the initial redeveloping of such properties for future use as private enterprise. For purposes of this section, "initial redeveloping" shall include all allowable costs, as that term is defined in section 447.700, and any other costs involving the improvement of the property to a state in which its redevelopment will be more economically feasible than such property would have been if such improvements had not been made.

3. In awarding grants pursuant to this section, the department shall give preference to those projects which propose the assembly of a greater number of acreage than other projects and to those projects which show that private interest exists for usage of the property once any redevelopment aided by grants pursuant to this section is completed.

4. The department of economic development may promulgate rules for the enforcement of this section. No rule or portion of a rule promulgated pursuant to this section shall take effect unless it has been promulgated pursuant to chapter 536, RSMo.

5. The provisions of this section shall expire on August 28, 2006."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 39

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 82, Section 204.640, Line 11, by adding after the period the following new language:

"Any political entity of this state that performs storm water and/or wastewater public works projects that exceed or are planned to exceed ten billion dollars shall develop rules or ordinances for the control of costs and the schedule for cost reimbursable contracts. The rules or ordinances shall be included in the terms and conditions of contracts with all consultants, suppliers and contractors providing services, materials or construction on a cost reimbursable basis for cost plus contracts in excess of one million collars and/or contracts which may exceed three years. Such rules or ordinances must include specific reporting requirements and standards of allowable costs and schedule variation beyond which the political entity's management intervention and corrective action shall be mandatory.

The rules or ordinances shall include within its purview the functions of planning, directing, coordinating, funds commitment, funding, public interaction, advertising for the selection of professional consultants, legal counsel and auditing of such public works. The rules or ordinances may authorize the use of consultants, but it shall not delegate management prerogatives or fiduciary authority that is inherent to such political entity. The rules or ordinances shall insure adequate checks and balances such that a single consultant shall not be utilized to determine costs, develop internal controls or develop performance standards that could influence either allowable costs or fees for services, which that consultant may provide. Data bases developed, updated or maintained by a consultant providing services to the political entity shall be the sole property of the entity.

The rules or ordinances shall be determined by the governing body of said public entity in conformance with chapter 610 RSMo. The public entity shall accept public testimony and a public comment period of not less than thirty days after the initial draft of said rules or ordinances and prior to final disposition." and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 41

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting after all of said line the following:

"162.291. The voters of each seven-director district other than urban districts shall, at municipal elections, elect two

directors who are citizens of the United States and resident taxpayers of the district, who have resided in [this state] **such district** for one year next preceding their election or appointment, and who are at least twenty-four years of age."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 42

Amend House Substitute for House Committee Substitute for Senate Bill No. 125, Page 74, Section 138.020, Line 19, by inserting after all of said line the following:

"162.605. 1. In addition to the members appointed to the board pursuant to section 162.601, there shall be appointed two additional school board members from the school district at large. Any member appointed pursuant to this section shall:

(1) Be a resident of the city;

(2) Be appointed by the mayor of the city; and

(3) Serve a term of four years, or until a successor is appointed and is qualified. Members may be appointed to additional four-year terms.

2. The first member appointed pursuant to this section shall be appointed immediately after the effective date of this section, and successive appointments for such seat shall occur every four years from the date of such initial appointment. The second member appointed pursuant to this section shall be appointed immediately prior to the 2003-2004 school year, and successive appointments for such seat shall occur every four years from the date of such appointment.

3. The mayor shall appoint members to fill any vacancy created by any member appointed pursuant to this section.

4. Any board member appointed pursuant to this section shall be a member of equal standing with all other members of such board, and all other laws applicable to such board members shall apply to members appointed pursuant to this section, except as otherwise provided in this section."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HB 107**, as amended, and has taken up and passed **SCS** for **HS** for **HCS** for **HB 107**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 219** and has taken up and passed **SCS** for **HB 219**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 471**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 387**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 387, Page 4, Section 393.158, Line 109, by inserting after the word "**serves**" the words "**fewer than**".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 80**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 244**, as amended: Senators Staples, Mathewson, Childers, Cauthorn and Klindt.

PRIVILEGED MOTIONS

Senator Wiggins moved that the Senate refuse to recede from its position on **SCS** for **HB 471**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Steelman moved that the Senate refuse to concur in **HS** for **HCS** for **SB 365**, as amended, and request the House to recede from its position, and failing to so, grant the Senate a conference thereon, which motion prevailed.

Senator Kenney moved that the Senate refuse to recede from its position on **SCS** for **HB 80**, as amended, and grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Sims moved that **HS** for **HCS** for **HB 762**, with **SCS**, **SS** for **SCS**, **SA 8** and **SSA 1** for **SA 8** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 8** was again taken up.

At the request of Senator Caskey, the above substitute amendment was withdrawn.

SA 8 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

SS for **SCS** for **HS** for **HCS** for **HB 762**, as amended, was again taken up.

Senator Sims moved that **SS** for **SCS** for **HS** for **HCS** for **HB 762**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS** for **SCS** for **HS** for **HCS** for **HB 762**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins--30		
	NAYS--Senators		
Loudon	Rohrbach	Yeckel--3	
	Absent--Senators--None		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Klarich moved that **SB 288**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 288**, entitled:

HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 288

An Act to repeal sections 59.040, 59.041, 59.050, 59.090, 59.100, 59.130, 59.250, 59.255, 59.257, 59.260, 59.300, 347.189, 347.740, 351.120, 351.127, 351.220, 351.268, 351.410, 351.415, 351.430, 351.435, 351.440, 351.458, 351.478, 351.482, 355.023, 356.233, 359.653, 400.1-105, 400.1-201, 400.2-103, 400.2-210, 400.2-326, 400.2-401, 400.2-502, 400.2-716, 400.2A-103, 400.2A-303, 400.2A-307, 400.2A-309, 400.4-210, 400.7-503, 400.8-103, 400.8-106, 400.8-110, 400.8-301, 400.8-302, 400.8-510, 400.9-101, 400.9-102, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-107, 400.9-108, 400.9-109, 400.9-110, 400.9-111, 400.9-112, 400.9-113, 400.9-114, 400.9-115, 400.9-116, 400.9-201, 400.9-202, 400.9.203, 400.9-204, 400.9-205, 400.9-206, 400.9-207, 400.9-208, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-306, 400.9-307, 400.9-308, 400.9-309, 400.9-310, 400.9-311, 400.9-312, 400.9-313, 400.9-314, 400.9-315, 400.9-316, 400.9-317, 400.9-318, 400.9-401, 400.9-402, 400.9-403, 400.9-404, 400.9-405, 400.9-406, 400.9-407, 400.9-408, 400.9-409, 400.9-501, 400.9-502, 400.9-503, 400.9-504, 400.9-505, 400.9-506, 400.9-507, 400.9-508 and 417.018, RSMo 2000 relating to business procedures regulated by the secretary of state and related matters, and to enact in lieu thereof one hundred ninety new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Gross assumed the Chair.

Senator Klarich moved that **HS** for **SCS** for **SB 288**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Jacob	Johnson	Kinder	Klarich
Klindt	Loudon	Mathewson	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			

	NAYS--Senators		
Caskey	Gross	House	Kenney
Quick	Rohrbach	Singleton--7	
	Absent--Senator DePasco--1		
	Absent with leave--Senator Carter--1		

President Maxwell assumed the Chair.

On motion of Senator Klarich, **HS** for **SCS** for **SB 288** was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators		
Gross	House	Rohrbach	Singleton--4
	Absent--Senator DePasco--1		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Johnson	Kinder	Klarich
Klindt	Loudon	Quick	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--25			
	NAYS--Senators		
Gross	House	Kenney	Rohrbach
Singleton--5			
	Absent--Senators		
DePasco	Jacob	Mathewson--3	
	Absent with leave--Senator Carter--1		

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **SS** for **SCS** for **HB 453**, as amended, and requests a further conference on **SS** for **SCS** for **HB 453**, as amended, and the conferees be bound to remove Section 1 of the Conference Committee Substitute.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 241** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 241**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 157** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences in the licensing provisions.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate grant the House a further conference on **SS** for **SCS** for **HB 453**, as amended, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 80**, as amended: Senators Kenney, Klarich, DePasco, Mathewson and Loudon.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 471**, as amended: Senators Wiggins, Kenney, Westfall, Schneider and Yeckel.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 453**, as amended: Senators Steelman, Klarich, Gross, Mathewson and Quick.

On motion of Senator Kenney, the Senate recessed until 1:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Klarich.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 835, regarding Elizabeth Porter, Buchanan County, which was adopted.

Senator Johnson offered Senate Resolution No. 836, regarding Dr. James J. McCarthy, St. Joseph, which was adopted.

Senator Stoll offered Senate Resolution No. 837, regarding Grace Presbyterian Church, Crystal City, which was adopted.

Senator Staples offered Senate Resolution No. 838, regarding Kate Elizabeth Walker, Jefferson City, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HS** for **HB 381**, as amended, and has taken up and passed **SS** for **SCS** for **HS** for **HB 381**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 319** and has taken up and passed **CCS** for **HCS** for **SB 319**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 591**, entitled:

An Act to repeal sections 204.300, 204.370 and 250.236, RSMo 2000, relating to political subdivisions, and to enact in lieu thereof eight new sections relating to the same subject.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, Page 8, Section 262.802, Line 17, by adding after the word "made", the following:

"However, if a political subdivision requires the property to be connected to the sewer system of the political subdivision pursuant to Section 644.027, RSMo, such connection shall not trigger the payment of the assessment."

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, by inserting in the appropriate place the following:

"277.212. 1. The attorney general shall enforce the provisions of sections 277.200 to 277.215. The department of agriculture shall refer violations of the provisions of sections 277.200 to 277.215 to the attorney general. The attorney

general or any person injured by a violation of the provisions of sections 277.200 to 277.215 may bring an action pursuant to the provisions of chapter 407, RSMo, for any remedy allowed for unlawful merchandising practices.

2. A seller who receives a discriminatory price or who is offered only a discriminatory price in violation of the provisions of sections 277.200 to 277.215 may receive [treble] damages, costs and a reasonable attorney's fee.

277.215. 1. Each packer shall make available for publication and to the department of agriculture a daily report setting forth information regarding prices paid for livestock under each contract in force in Missouri in which the packer and a Missouri resident are parties for the purchase of livestock by the packer and which sets a date for delivery more than fourteen days after the making of the contract.

2. The report shall be completed on forms prepared by the department for comparison with cash market prices for livestock and livestock carcasses according to procedures required by the department. The report shall not include information regarding the identity of a seller.

3. Any packer who fails to report as required by this section is guilty of a class A misdemeanor.

4. The department shall adopt rules to implement the provisions of sections 277.200 to 277.215.

5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

6. In the event a federal law regarding livestock price reporting becomes effective, the department of agriculture shall immediately adopt such rules as are necessary to permit Missouri producers and packers to remain economically competitive with producers and packers in other states.

[7. Sections 277.200 to 277.215 shall expire December 31, 2002.]" and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 470**.

With House Committee Amendment No. 1, House Amendments Nos. 1 and 2.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 470, Page 1, Section 8.003, Line 6, by deleting all of said line and inserting in lieu thereof the following: "**one employee of the house of representatives appointed by the speaker of the house of representatives and one employee of the senate appointed by the president pro tempore; and four members appointed by the governor with the advice and consent of**"; and

Further amend said bill, Page 2, Section 8.003, Line 12, by deleting the word "**six**" and inserting in lieu thereof "**four**"; and

Further amend said bill, Page 2, Section 8.003, Line 16, by deleting the word "**six**" and inserting in lieu thereof "**four**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 470, Page 3, Section 8.007, Line 6 of said page, by inserting after all of said line the following:

"(3) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;"; and

Further amend said bill, Page 3, Section 8.007, Line 7 of said page, by striking the numeral "(3)" and inserting in lieu thereof the numeral "(4)"; and

Further amend said bill, Page 3, Section 8.007, Line 13 of said page, by striking the numeral "(4)" and inserting in lieu thereof the numeral "(5)"; and

Further amend said bill, Page 3, Section 8.007, Line 16 of said page, by striking the numeral "(5)" and inserting in lieu thereof the numeral "(6)"; and

Further amend said bill, Page 3, Section 8.007, Line 18 of said page, by striking the numeral "(6)" and inserting in lieu thereof the numeral "(7)"; and

Further amend said bill, Page 3, Section 8.007, Line 21 of said page, by inserting after all of said line the word **"and"**; and

Further amend said bill, Page 3, Section 8.007, Line 22 of said page, by striking the numeral "(7)" and inserting in lieu thereof the numeral "(8)"; and

Further amend said bill, Page 3, Section 8.007, Line 38 of said page, by striking the first occurrence of the word **"and"** and inserting in lieu thereof a comma ","; and

Further amend said bill, Page 3, Section 8.007, Line 38 of said page, by inserting after the word **"restoration"** the following: **"and improved accessibility"**.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 470, Page 3, Section 8.007, Line 37, by inserting after the word **"stipulations,"** the word **"and"**.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 453**, as amended. Representatives: Smith, Ransdall, Merideth, Jetton and Hohulin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **HB 471**, as amended. Representatives: Jolly, Johnson 90, Clayton, Lograsso and Scott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **HB 80**, as amended. Representatives: Gratz, Smith, Kelly 36, Ross, Reinhart.

PRIVILEGED MOTIONS

Senator Bentley moved that the Senate refuse to recede from its position on **SCS** for **HB 157** and grant the House a conference thereon and further that the conferees be allowed to exceed the differences in the licensing provisions, which motion prevailed.

Senator Steelman moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 617**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, and further that the conferees be allowed to exceed the differences in the research provision of the bill, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 501, with **SCS**, introduced by Represen-tative Bowman, et al, entitled:

An Act to repeal sections 644.572, 644.574 and 644.576, RSMo 2000, relating to water pollution bonds, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Steelman.

SCS for **HB 501**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 501**

An Act to repeal sections 204.300, 204.370 and 250.236, RSMo 2000, relating to water and sewer systems, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **HB 501** be adopted.

Senator Steelman offered **SS** for **SCS** for **HB 501**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 501**

An Act to repeal sections 204.300, 204.370, 250.236 and 640.755, RSMo 2000, relating to water and sewage systems, and to enact in lieu thereof sixteen new sections relating to the same subject.

Senator Steelman moved that **SS** for **SCS** for **HB 501** be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **HB 501** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Stelman	Stoll
Westfall	Wiggins--30		
NAYS--Senators--None			
Absent--Senators			

Bland	Schneider	Yeckel--3
Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Goode moved that **SCS** for **SB 387**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

On motion of Senator Goode, **SCS** for **SB 387**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
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Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Dougherty	Schneider--2		
	Absent with leave--Senator Carter--1		

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 328** and **88**, with **SCS**, entitled:

An Act to repeal sections 198.530, 354.535, 354.618, 376.383, 376.406, 376.893, 376.1350, 376.1361, 376.1367, 376.1400 and 376.1403, RSMo 2000, relating to the regulation of managed care, and to enact in lieu thereof seventeen new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Sims.

SCS for **HS** for **HCS** for **HBs 328** and **88**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 328 and 88

An Act to repeal sections 197.285, 198.530, 354.535, 354.618, 376.383, 376.406, 376.893, 376.1350, 376.1361, 376.1367, 376.1400, 376.1403 and 379.930, RSMo 2000, relating to the regulation of managed care, and to enact in lieu thereof twenty new sections relating to the same subject.

Was taken up.

Senator Sims moved that **SCS** for **HS** for **HCS** for **HBs 328** and **88** be adopted.

Senator Singleton offered **SS** for **SCS** for **HS** for **HCS** for **HBs 328** and **88**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 328 and 88

An Act to repeal sections 135.095, 197.285, 198.530, 354.535, 354.603, 354.606, 354.618, 376.383, 376.406, 376.406, 376.893, 376.1350, 376.1361, 376.1367, 376.1400, 376.1403 and 379.930, RSMo 2000, relating to the regulation of managed care, and to enact in lieu thereof thirty-four new sections relating to the same subject, with an emergency clause for certain sections.

Senator Singleton moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 328** and **88** be adopted.

At the request of Senator Singleton, **SS** for **SCS** for **HS** for **HCS** for **HBs 328** and **88** was withdrawn.

Senators Schneider and Rohrbach offered **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328** and **88**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 328 and 88

An Act to repeal sections 354.603, 354.606, 376.383 and 376.406, RSMo 2000, relating to the regulation of managed care, and to enact in lieu thereof five new sections relating to the same subject, with an effective date for certain sections.

Senator Schneider moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328** and **88** be adopted.

Senator Rohrbach offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 2, Section 354.603, Line 26 of said page, by inserting an opening bracket before the word "financial" and a closing bracket after the word "capability" on said line.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 1, Section A, Line 4, by inserting after all of said line the following:

"197.285. 1. Hospitals and ambulatory surgical centers shall establish and implement a written policy adopted by each hospital and ambulatory surgical center relating to the protections for employees who disclose information pursuant to subsection 2 of this section. This policy shall include a time frame for completion of investigations related to complaints, not to exceed thirty days, and a method for notifying the complainant of the disposition of the investigation. This policy shall be submitted to the department of health to verify implementation. At a minimum, such policy shall include the following provisions:

(1) No supervisor or individual with authority to hire or fire in a hospital or ambulatory surgical center shall prohibit employees from disclosing information pursuant to subsection 2 of this section;

(2) No supervisor or individual with authority to hire or fire in a hospital or ambulatory surgical center shall use or threaten to use his or her supervisory authority to knowingly discriminate against, dismiss, penalize or in any way retaliate against or harass an employee because the employee in good faith reported or disclosed any information pursuant to subsection 2 of this section, or in any way attempt to dissuade, prevent or interfere with an employee who wishes to report or disclose such information;

(3) Establish a program to identify a compliance officer who is a designated person responsible for administering the reporting and investigation process and an alternate person should the primary designee be implicated in the report.

2. This section shall apply to information disclosed or reported in good faith by an employee concerning:

(1) Alleged facility mismanagement or fraudulent activity;

(2) Alleged violations of applicable federal or state laws or administrative rules concerning patient care, patient safety or facility safety; or

(3) The ability of employees to successfully perform their assigned duties.

All information disclosed, collected and maintained pursuant to this subsection and pursuant to the written policy requirements of this section shall be accessible to the department of health at all times and shall be reviewed by the department of health at least annually. Complainants shall be notified of the department of health's access to such information and of the complainant's right to [appeal to the department of health] **notify the department of health of any information concerning alleged violations of applicable federal or state laws or administrative rules concerning patient care, patient safety or facility safety.**

3. Prior to any disclosure to individuals or agencies other than the department of health, employees wishing to make a disclosure pursuant to the provisions of this section shall first report to the individual or individuals designated by the hospital or ambulatory surgical center pursuant to subsection 1 of this section.

4. If the compliance officer, compliance committee or management official discovers credible evidence of misconduct from any source and, after a reasonable inquiry, has reason to believe that the misconduct may violate criminal, civil or administrative law, then the hospital or ambulatory surgical center shall report the existence of misconduct to the appropriate governmental authority within a reasonable period, but not more than seven days after determining that there is credible evidence of a violation.

5. Reports made to the department of health shall be subject to the provisions of section 197.477, provided that the restrictions of section 197.477 shall not be construed to limit the employee's ability to subpoena from the original source the information reported to the department pursuant to this section.

6. Each written policy shall allow employees making a report who wish to remain anonymous to do so, and shall include safeguards to protect the confidentiality of the employee making the report, the confidentiality of patients and the integrity of data, information and medical records.

7. Each hospital and ambulatory surgical center shall, within forty-eight hours of the receipt of a report, notify the employee that his or her report has been received and is being reviewed.

[8. The enactment of this section shall become effective January 1, 2001.]; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Cauthorn offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 13, Section 376.383, Line 29, by inserting immediately after all of said line the following:

"11. All penalties paid pursuant to this section shall be disposed of in accordance with article IX, Section 7."

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

Senator Kenney offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 12, Section 376.383, Line 11, by inserting in said line before the word "day" the following "processing".

Senator Kenney moved that the above amendment be adopted, which motion failed.

Senator Klarich offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 20, Section 376.381, Line 1, by inserting immediately after said line the following:

"Section 1. 1. A completed application for medical assistance for services described in section 208.152 shall be approved or denied within thirty days from submission to the Division of Family Services or its successor.

2. The Division of Medical Services shall remit to a licensed nursing home operator the medicaid payment for a newly admitted medicaid resident in a licensed long term care facility within forty-five days of the resident's date of admission."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 5** is out of order as it exceeds the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 5 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 1, Section A, Line 4, by inserting after all of said line the following:

"191.940. 1. For the purposes of this section the following terms mean:

- (1) "Disclose", to release, transfer, provide access to, or divulge in any other manner information outside the entity holding the information, except that disclosure shall not include any information divulged directly to the individual to whom such information pertains;**
 - (2) "Federal Privacy Rules", the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 165;**
 - (3) "Health information", any information or data except age or gender, whether oral or recorded in any form or medium, created by or derived from a health care provider or an individual that relates to:**
 - (a) The past, present or future physical, mental or behavioral health or condition of an individual;**
 - (b) The provision of health care to an individual; or**
 - (c) Payment for the provision of health care to an individual;**
 - (4) "Licensee", all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered pursuant to chapter 375, RSMo, a health maintenance organization holding or required to hold, a certificate of authority pursuant to chapter 354, RSMo, or any other entity or person subject to the supervision and regulation of the department of insurance;**
 - (5) "Nonpublic personal health information", health information:**
 - (a) That identifies an individual who is the subject of the information; or**
 - (b) With respect to which there is a reasonable basis to believe that the information could be used to identify an individual;**
 - (6) "Person", without limitation, an individual, a foreign or domestic corporation whether for profit or not-for-profit, a partnership a limited liability company, an unincorporated society or association, two or more persons having a joint or common interest, governmental agency or any other entity.**
- 2. Any person who, in the ordinary course of business, practice of a profession or rendering of a service, creates, stores, receives or furnishes nonpublic personal health information shall not disclose by any means of communication such nonpublic personal health information except pursuant to a prior, written authorization of the person to whom such information pertains or such person's authorized representative, if:**
- (1) The nonpublic personal health information is disclosed in exchange for consideration to an affiliate or other third party; or**
 - (2) The purpose of the disclosure is:**
 - (a) For the marketing of services or goods for personal, family or household purposes other than in a manner permitted by the "Privacy of Consumer Financial and Health Information Regulation" adopted on September 26, 2000, by the National Association of Insurance Commissioners;**
 - (b) To facilitate an employer's employment-related decisions, including, but not limited to, hiring, termination, and the establishment of any other conditions of employment, except as necessary to provide health or other benefits to an existing employee;**
 - (c) For use in connection with the evaluation of an existing or requested extension of credit for personal, family or household purposes; or**

(d) Unrelated to the business, practice or service offered by the disclosing person or entity.

3. Nothing in this section shall be deemed to prohibit any disclosure of nonpublic personal health information as is necessary to comply with any other state or federal law.

4. Any person other than a licensee who knowingly violates the provisions of this section shall be assessed an administrative penalty of not more than five hundred dollars for each violation of this section. An administrative penalty pursuant to this section may be assessed by a state agency responsible for regulating the person or by the attorney general.

5. In addition to the penalties provided in subsection 4 of this section, any person other than a licensee that violates this section shall be subject to civil action for damages or equitable relief.

6. To the extent a person other than a licensee is subject to and complies with all requirements of the federal Health Insurance Portability and Accountability Act privacy rules promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 to 164 (the "federal privacy rules"), such person shall be deemed to be in compliance with this section. Until April 14, 2003, a person other than a licensee that is subject to the federal privacy rules shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

7. Irrespective of whether a licensee is subject to the federal privacy rules, if a licensee complies with all requirements of the federal privacy rules except for the effective date provision, the licensee shall be deemed in compliance with this section. Until April 14, 2003, a licensee shall be deemed to be in compliance with this section upon demonstration of a good faith effort to comply with the requirements of the federal privacy rules.

8. If a licensee complies with the model regulation adopted on September 26, 2000, by the National Association of Insurance Commissioners entitled "Privacy of Consumer Financial and Health Information Regulation", the licensee shall be deemed in compliance with this section.

9. Notwithstanding the provisions of subsections 5, 6 and 7 of this section, no person or licensee may disclose nonpublic personal health information for marketing purposes contrary to paragraph (a) of subdivision (2) of subsection 2 of this section.

10. The provisions of this section do not apply to information from or to consumer reporting agencies as defined by the federal Fair Credit Reporting Act, 15 U.S.C. Sec. 1681, et seq., or debt collectors as defined by the federal Fair Debt Collection Practices Act, 15 U.S.C. Sec. 1692, et seq., to the extent these entities are engaged in activities regulated by these federal acts.

11. The provisions of this act do not apply to information disclosed in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit, including but not limited to the sale of a portfolio of loans, if the disclosure of nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information concerns solely consumers of the business or unit and the disclosure of the nonpublic personal health information is not the primary reason for the sale, merger, transfer or exchange.

12. The director of the department of insurance shall have the sole authority to enforce this section with respect to licensees including, without limitation, treating violations of this section by licensees as unfair trade practices pursuant to sections 375.930 to 375.948, RSMo."; and

Further amend said bill, Page 20, Section B, Line 5, by inserting after all of said line the following:

"Section B. The enactment of section 191.940 of this act shall become effective January 1, 2002."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 6** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Russell offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 12, Section 376.383, Line 28, by inserting after the word and period "Section." the following: "Penalties assessed pursuant to this section shall not exceed 3 times the amount of the claim on which such penalties are being paid.".

Senator Russell moved that the above amendment be adopted, which motion failed.

Senator Scott offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 20, Section 376.383, Line 1 of said page, by inserting immediately after all of said line the following:

"Section 1. No insurer or its agent or representative shall require any applicant or policyholder to divulge if any insurer has denied any claim of that applicant or policyholder."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 14, Section 376.384.2, Line 17, by deleting "2003" and inserting in lieu thereof **"2002"**; and

Further amend said bill, page 14, line 22, by deleting "2003" and inserting in lieu thereof **"2002"**.

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 9** was withdrawn.

Senator Cauthorn offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 11, Section 376.383, Line 26, by inserting immediately after the word **"fifteen"** the word **"working"**; and

Further amend said bill, page 12, section 376.383, line 5, by inserting immediately after the word **"fifteen"** the word **"working"**; and

Further amend said bill, page 13, section 376.383, lines 28 and 29, by striking the words "**or pay the claim**"; and

Further amend said bill, page 15, section 376.384, line 4, by striking the words "**and paying**".

Senator Cauthorn moved that the above amendment be adopted, which motion failed.

Senator Klindt offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 11, Section 376.383, Line 9, by deleting after the word "information" the following words: "from the claimant".

Senator Klindt moved that the above amendment be adopted, which motion failed.

Senator Loudon offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 328 and 88, Page 16, Section 376.384, Lines 21 to 26, by striking all of said lines and inserting in lieu thereof the following:

"7. On or after January 1, 2003, all claims submitted electronically for reimbursement for a health care service provided in this state shall be submitted in a uniform format utilizing standard medical code sets. The uniform format and the standard medical code sets shall be promulgated by the department of insurance through rules consistent with but no more stringent than the federal administrative simplification standards adopted pursuant to the Health Insurance Portability and Accountability Act of 1996."

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328** and **88**, as amended, be adopted, which motion prevailed.

On motion of Senator Sims, **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328** and **88**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Scott--1			
Absent with leave--Senator Carter--1			

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 621**, as amended, and has taken up and passed **CCS** for **HB 621**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 365**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 762**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 275**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 617**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences on research and development tax credits only.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SCS** for **HB 157**. Representatives: Hosmer, Smith, Britt, Linton and Reid.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 617**, as amended. Representatives Rizzo, Scheve, Bonner, Byrd and Townley.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SB 365**, as amended. Representatives Overschmidt, Koller, Hampton, Robirds and Berkstresser.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SCS** for **SB 351**, entitled:

An Act to repeal sections 50.550, 57.010, 57.020, 57.030, 488.5336, 558.019, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180, 590.650 and 610.100, RSMo 2000, relating to peace officers, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3 and House Substitute Amendment No. 1 for House Amendment No. 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Committee Substitute for Senate Substitute for for Senate Bill No. 351, by inserting in the appropriate location the following:

"590.118. 1. All law enforcement agency personnel records of a peace officer may be made available to any hiring law enforcement agency. The availability of any records shall be subsequent to and conditioned upon a hearing on the issues as defined in sections 590.080, 590.090 and 590.100.

2. Following a decision recommending punitive action from a hearing on the issues as defined in section 590.080, 590.090 and 590.100, the law enforcement agency shall provide such information to the peace officer standards and training commission."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 351, Page 50, Section 590.195, Line 22, by inserting immediately after said line the following:

"590.519. 1. The department of corrections shall notify the department of public safety within ten days after any correctional officer or any person serving in the position of correctional officer within this state passes a course of training developed by competent instructors approved by the department of public safety and the department of corrections of at least two hundred ninety-six hours. The department of public safety shall issue a correctional officer certification for each officer who passes such a course. Such certification shall only be valid while employed by the department of corrections.

2. The department of corrections shall notify the department of public safety when any certified correctional officer is dismissed from employment. Upon receipt of such notification, the department of public safety shall immediately revoke the certification of the dismissed correctional officer.

3. The correctional officer shall not be deemed to have property interest in any certificate issued pursuant to this section.

4. Persons employed as correctional officers with the department of corrections on August 28, 2001, which have participated in a correctional officer training program prior to August 28, 2001, shall be eligible for certification."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 351, Page 6, Section 57.020, Line 23 of said page, by adding after all of said line the following:

"217.305. 1. The sheriff or other officer charged with the delivery of persons committed to the department for confinement in a correctional center shall deliver the person to the reception and diagnostic center designated by the director at times and dates as designated by the director and shall receive a certificate of delivery of the offender from the center.

2. Appropriate information relating to the offender shall be provided to the department in a written or electronic format, at or before the time the offender is delivered to the department, including, but not limited to:

(1) A copy of the sentence received from the clerk of the sentencing court. If provided in written form, this document shall be certified by the court;

(2) All other judgment, sentencing and commitment orders of the court, or such documents as authorized by the prosecuting attorney or circuit attorney or required by the department;

(3) Further information regarding the offender's age, crime for which sentenced and circumstances surrounding the crime and sentence, personal history, which may include facts related to his home environment, work habits and previous convictions and commitments. Such information shall be prepared by the prosecuting attorney of the county or circuit attorney of any city not within a county who was charged with the offender's prosecution;

(4) Information regarding all significant aspects of the offender's physical and mental condition, including any currently prescribed medication and any attempts to commit suicide. Such information shall be prepared by the sheriff or other officer charged with delivering the offender to the department and shall include copies of all medical and mental health documents in the possession of jail personnel relating to the offender."; and

Further amend said bill, title, enacting clause and intersectional references accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 351, Page 20, Section 590.040, Line 15, by inserting after all of said line the following:

"4. The basic training of every peace officer concerning the investigation and management of cases shall include training regarding inter-acting with individuals with mental illness."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 617**, as amended: Senators Steelman, Klarich, Kenney, House and Scott.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 157**: Senators Bentley, Stoll, Childers, Klarich and Yeckel.

PRIVILEGED MOTIONS

Senator Sims moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 762**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 762**, as amended: Senators Sims, Bentley, Childers, Wiggins and Bland.

PRIVILEGED MOTIONS

Senator Kenney moved that the Senate refuse to concur in **HS** for **HCS** for **SCS** for **SB 591**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Rohrbach, on behalf of the conference committee appointed to act with a like committee from the House on **HB 621**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 621

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Bill No. 621 with Senate Committee Amendment No. 1 and Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Bill No. 621, as amended;
2. That the House recede from its position on House Bill No. 621;
3. That the attached Conference Committee Substitute for House Bill No. 621, be adopted.

FOR THE SENATE:

/s/ Larry Rohrbach
/s/ Sarah Steelman
/s/ John T. Russell
/s/ Wayne Goode
/s/ Ronnie DePasco

FOR THE HOUSE:

/s/ William Gratz
/s/ Mark Hampton
/s/ Carl Vogel
/s/ Randall Relford
/s/ Rex Rector

Senator Rohrbach moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims

Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
DePasco	Scott--2		
	Absent with leave--Senator Carter--1		

On motion of Senator Rohrbach, **CCS** for **HB 621**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE BILL NO. 621

An Act to amend chapter 217, RSMo, relating to the department of corrections by adding thereto one new section creating the Missouri state penitentiary redevelopment commission.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bland	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Bentley	DePasco--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 610**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 610

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for Senate Bill No. 610, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 610;
2. That the Senate recede from its position on Senate Bill No. 610;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 610, be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Morris Westfall
 /s/ Chuck Gross
 /s/ John Cauthorn
 /s/ Sidney Johnson
 /s/ Danny Staples

FOR THE HOUSE:

Luann Ridgeway
 Susan Phillips
 /s/ Thomas Hoppe
 /s/ Henry Rizzo
 /s/ Bill Skaggs

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Bland	DePasco	Dougherty	Mathewson
Russell--5			

Absent with leave--Senator Carter--1

On motion of Senator Westfall, **CCS** for **HCS** for **SB 610**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 610

An Act to repeal sections 52.300, 54.330, 137.100 and 141.610, RSMo 2000, and to enact in lieu thereof four new sections relating to political subdivisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Mathewson
Absent--Senators
Schneider--2
Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 244**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 244

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 244, with House Amendments Nos. 1, 2, 4, 5, 6, 8, 9, 10, 11 and 13; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 244, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 244;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 244 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Danny Staples
/s/ Jim Mathewson
/s/ Doyle Childers
/s/ John Cauthorn
/s/ David G. Klindt

FOR THE HOUSE:

/s/ Don Koller
/s/ Wayne Crump
/s/ Tom Green
/s/ Van Kelly
/s/ Carson Ross

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Schneider--2

Absent with leave--Senator Carter--1

Kinder

On motion of Senator Staples, **CCS** for **HCS** for **SS** for **SB 244**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 244

An Act to repeal sections 301.260, 302.173, 304.015, 304.035, 304.180, 304.580, 307.173 and 307.375, RSMo 2000, and to enact in lieu thereof thirteen new sections relating to motor vehicles and equipment, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Singleton moved that the Senate refuse to concur in **HS** for **SS** for **SCS** for **SB 351**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 241**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 241

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Committee Substitute for House Committee Substitute for House Bill No. 241, with Senate Amendment No. 1; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 241, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 241;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 241 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Harold Caskey
/s/ David J. Klarich
/s/ John Cauthorn
/s/ Jim Mathewson
/s/ Michael R. Gibbons

FOR THE HOUSE:

/s/ Phil Smith
/s/ Philip Willoughby
/s/ Melba Curls
/s/ Luann Ridgeway
/s/ Jason Crowell

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Schneider Staples--2

Absent with leave--Senator Carter--1

On motion of Senator Caskey, **CCS** for **SCS** for **HCS** for **HB 241**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 241

An Act to repeal sections 456.012, 456.013, 456.700, 456.710, 456.720, 456.730, 456.740, 456.750, 456.760, 456.770,

456.780, 456.790, 456.800, 456.810 and 456.820, RSMo 2000, relating to trusts and estates, and to enact in lieu thereof thirty-six new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators

Jacob Schneider--2

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SCS** for **SB 393**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 393

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Committee Substitute for Senate Bill No. 393, with House Amendments Nos. 1 and 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Committee Substitute for Senate Bill No. 393, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 393;
3. That the attached Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bill No. 393, be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Betty Sims

FOR THE HOUSE:

/s/ Joseph L. Treadway

/s/ Roseann Bentley
/s/ Marvin Singleton
/s/ Mary Bland
/s/ Harry Wiggins

/s/ Rick Johnson
/s/ Wes Shoemyer
/s/ Roy W. Holand
/s/ Linda Bartelsmeyer

Senator Sims moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

On motion of Senator Sims, **CCS** for **HS** for **SCS** for **SB 393**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 393

An Act to repeal sections 167.181, 191.211, 191.411, 191.600, 191.603, 191.605, 191.607, 191.609, 191.611, 191.614, 191.615, 192.070, 332.072, 332.181, 332.261, 332.311, and 332.321, RSMo 2000, relating to dental care, and to enact in lieu thereof twenty-two new sections relating to the same subject, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28

NAYS--Senators--None

Absent--Senators

Childers	Gross	Mathewson	Singleton
Staples--5			

Absent with leave--Senator Carter--1

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 780, with **SCS**, entitled:

An Act to repeal sections 67.1300, 67.1360, 135.205, 135.208, 135.230, 135.305, 135.411, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.508, 135.516, 135.530, 208.770, 447.700 and 620.145, RSMo 2000, section 135.200 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, and section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, relating to programs administered by the department of economic development, and to enact in lieu thereof twenty-three new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Kenney.

SCS for HCS for HB 780, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 780

An Act to repeal sections 67.1300, 67.1360, 135.150, 135.205, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.460, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.508, 135.516, 135.530, 135.545, 178.892, 208.770, 348.302, 447.700, 620.470, 620.474 and 620.1450, RSMo 2000, sections 135.200 and 135.535 as those sections were enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 relating to tax incentives for economic development,

and to enact in lieu thereof thirty-two new sections relating to the same subject.

Was taken up.

Senator Kenney moved that **SCS** for **HCS** for **HB 780** be adopted.

Senator Mathewson offered **SS** for **SCS** for **HCS** for **HB 780**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 780

An Act to repeal sections 67.1300, 67.1360, 67.1545, 94.577, 135.110, 135.150, 135.205, 135.207, 135.230, 135.400, 135.403, 135.408, 135.411, 135.423, 135.460, 135.478, 135.481, 135.484, 135.487, 135.500, 135.503, 135.508, 135.516, 135.530, 135.545, 178.892, 215.036, 215.038, 348.300, 348.302, 429.015, 447.700, 447.708, 620.470, 620.474 and 620.1450, RSMo 2000, section 135.100 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.100 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, sections 135.200 and 135.535 as those sections were enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, section 135.200 as enacted by conference committee substitute for house committee substitute for senate bill no. 1, eighty-ninth general assembly, second extraordinary session, section 135.200 as enacted by senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1656, eighty-ninth general assembly, second regular session, and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20, relating to support for community economic development, and to enact in lieu thereof forty-three new sections relating to the same subject, with an emergency clause for a certain section and an expiration date for a certain section.

Senator Mathewson moved that **SS** for **SCS** for **HCS** for **HB 780** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 82, Section 135.460.7, Line 26, by adding the following sentence after "applicable." "No more than 15% of the available tax credits shall be made available for programs designated under Section 6 of this chapter."

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 2, In the Title, Line 3, of the title, by striking "a certain section" and inserting in lieu thereof the following: "certain sections"; and

Further amend said bill, Page 3, Section A, Line 9 of said page, by inserting immediately after said line the following:

"8.1000. As used in sections 8.1000 to 8.1027, the following terms shall mean:

- (1) "Design-build", a project for which the design and construction services are furnished under one contract;**
- (2) "Design-build contract", a contract between the division and a design-builder, to furnish the architecture or engineering and related design services required for a given public construction project and to furnish the labor, materials and other construction services for the same public project;**
- (3) "Design-builder", any individual, partnership, joint venture, corporation or other legal entity that furnishes the architectural or engineering services and construction services, whether itself or through subcontracts;**
- (4) "Design criteria consultant", a person, corporation, partnership or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to chapter 327, RSMo, and who is employed by contract to the division to provide professional design and administrative services in connection with the preparation of the design criteria package;**
- (5) "Design criteria package", performance- oriented specifications for the public construction project sufficient to permit a design-builder to prepare a response to the division's request for proposals for a design-build project;**
- (6) "Director", the director of the division of design and construction;**
- (7) "Division", the state office of administration, division of design and construction;**
- (8) "Evaluation team", a group of people selected by the director to evaluate the proposals of the design-builders. The team shall consist of at least two representatives of the division of design and construction and two representatives of the using agency. A fifth member shall be selected by the director and shall serve as chairman to facilitate the evaluation process and to vote only in case of a tie;**
- (9) "Proposal", an offer to enter into a design-build contract;**
- (10) "Request for proposals", the document by which the division solicits proposals for a design-build contract;**
- (11) "Stipend", an amount paid to the unsuccessful proposers to defray the cost of submission of phase II of the design build proposal.**

8.1003. 1. Notwithstanding any other provision of the law, the division of design and construction is hereby authorized to institute a pilot program whereby the design-build procurement process may be utilized on a limited number of public projects as set out below for the purpose of demonstrating the benefits of the design-build process in the public sector. This authorization for design-build procurement shall be for the sole and exclusive use of the division of design and construction.

2. The maximum number of projects to be procured on a design-build basis during the course of this pilot program shall be no more than four projects each with an estimated cost of five million dollars or less and no more than four projects each with an estimated cost of more than five million dollars.

3. The director of design and construction shall select those projects for which the use of the design-build procurement process is appropriate. In making that determination, the director shall consider:

- (1) The likelihood that the design-build method of procurement will serve the public interest by providing substantial savings of time or money over the traditional design-bid-build delivery process;**
- (2) The time available to complete the project and meet the needs of the end user and any need to expedite the delivery process;**
- (3) The type of project and its suitability to the design-build process;**

- (4) The size of the project;**
- (5) The level of agency knowledge and confidence about the project scope and definition;**
- (6) The availability of using agency staff to manage the project;**
- (7) The availability of the division of design and construction staff to manage the project.**

4. The director of design and construction shall present progress reports on any ongoing design-build projects to the general assembly at each regular session during the course of the pilot program. In addition, the director shall present a final detailed report of all completed design-build projects to the general assembly completed each year during the pilot program. Such final reports shall contain an assessment of the advantages and disadvantages of the design-build process relative to the traditional design-bid-build procurement process on such completed projects.

8.1006. The division may adopt regulations pursuant to chapter 536, RSMo, for the conduct of the design-build process.

8.1009. 1. The director shall determine the scope and level of detail required to permit qualified persons to submit proposals in accordance with the request for proposals given the nature of the project.

2. A design criteria consultant may be employed or retained by the division to assist in preparation of the request for proposal, perform periodic site visits, prepare progress reports, review and approve progress and final pay applications of the design-builder, review shop drawings and submittals, decide disputes, interpret the construction documents, perform inspections upon substantial and final completion, assist in warranty inspections and to provide any other professional service where the director deems it to be in the public interest to have an independent design professional assisting with the project administration. The consultant shall be selected and its contract negotiated in compliance with sections 8.285 to 8.291.

8.1012. 1. Notice of requests for proposals shall be advertised in accordance with section 8.250. The division shall publish a notice of a request for proposal with a description of the project, the rationale for the decision to use the design-build method of procurement, the procedures for submittal and the selection criteria to be used.

2. The director shall establish in the request for proposal a time, place and other specific instructions for the receipt of proposals. Proposals not submitted in strict accordance with those instructions shall be subject to rejection.

3. A request for proposals shall be prepared for each design-build contract containing at minimum the following elements:

- (1) The procedures to be followed for submitting proposals, the criteria for evaluation of proposals and their relative weight and the procedures for making awards;**
- (2) The proposed terms and conditions for the design-build contract;**
- (3) The design criteria package;**
- (4) A description of the drawings, specifications or other information to be submitted with the proposal, with guidance as to the form and level of completeness of the drawings, specifications or other information that will be acceptable;**
- (5) A schedule for planned commencement and completion of the design-build contract;**
- (6) Budget limits for the design-build contract, if any;**
- (7) Affirmative action and minority or women business enterprise requirements for the design-build contract, if**

any;

(8) Requirements including any available ratings for performance bonds, payment bonds and insurance;

(9) Any other information that the division in its discretion chooses to supply, including without limitation, surveys, soil reports, drawings of existing structures, environmental studies, photographs or references to public records; and

(10) No request for proposal for a design build project issued by the division of design and construction shall include a project labor agreement, collective bargaining agreement, pre-hire agreement or any other agreement with employees, their representatives or any labor organization as a condition of bidding, negotiating, being awarded or performing work on a design build project. Any bidder, offeror, contractor, subcontractor or taxpayer shall have standing to challenge any bid specification, project agreement, grant or cooperative agreement which contains a project labor agreement, collective bargaining agreement, pre-hire agreement or similar agreement as being in violation of this section.

4. The director shall solicit proposals in a three-stage process. Phase I shall be the solicitation of qualifications of the design-build team. Phase II shall be the solicitation of a technical proposal including conceptual design for the project, and phase III shall be the proposal of the construction cost.

5. The evaluation team shall review the submittals of the proposers and assign points to each proposal in accordance with sections 8.1000 to 8.1027 and section 327.395, RSMo, and as set out in the instructions of the request for proposal.

8.1015. 1. Phase I shall require all proposers to submit a statement of qualifications which shall include, but not be limited to:

(1) Demonstrated ability to perform projects comparable in design, scope and complexity;

(2) References of owners for whom design-build projects have been performed;

(3) Qualifications of personnel who will manage the design and construction aspects of the project;

(4) The names and qualifications of the primary design consultants and contractors with whom the design-builder proposes to subcontract. The design-builder may not replace an identified subcontractor or subconsultant without the written approval of the director.

2. The evaluation team shall evaluate the qualifications of all proposers in accordance with the instructions of the request for proposal. Designers on the project shall be evaluated in accordance with the requirements of section 8.285 to 8.291. Qualified proposers selected by the evaluation team may proceed to phase II of the selection process. Proposers lacking the necessary qualifications to perform the work shall be disqualified and shall not proceed to phase II of the process. Under no circumstances shall price or fee be a part of the prequalification criteria. Points assigned in the phase I evaluation process shall not carry forward to phase II of the process. All qualified proposers shall be ranked on points given in phases II and III only.

3. The director shall have discretion to disqualify any proposer, which in the director's opinion lacks the minimal qualifications required to perform the work.

4. Once a sufficient number of qualified proposers have been selected, the proposers shall have a specified amount of time with which to assemble phase II and phase III proposals.

8.1018. Phase II of the process shall be conducted as follows:

(1) The director shall invite the top five qualified proposers to participate in phase II of the process. If there are not five qualified proposers, then all qualified proposers will be invited to submit phase II. If three

qualified proposers cannot be identified, the contracting process will cease;

(2) Proposers must submit their design for the project, to the level of detail required in the request for proposal. The design proposal should demonstrate compliance with the requirements set out in the request for proposal;

(3) The schedule for completing a project as designed by a proposer may be considered as an element of evaluation in phase II;

(4) Up to twenty percent of the points awarded to each proposer in phase II may be based on each proposers' qualifications and ability to design, construct and deliver the project on time and within budget;

(5) Under no circumstances should the design proposal contain any reference to the cost of the proposal;

(6) The design submittals will be evaluated and assigned points in accordance with the requirements of the request for proposal. Phase II shall account for no more than fifty percent of the total point score as specified in the request for proposal.

8.1021. Phase III shall be conducted as follows:

(1) The phase III proposal must provide a firm, fixed cost of construction. The proposal must be accompanied by bid security and any other required submittals, such as statements of minority participation as required by the request for proposal;

(2) Cost proposals must be submitted in accordance with the instructions of the request for proposal. Failure to submit a cost proposal on time shall be cause to reject the proposal. Phase III shall account for not less than fifty percent of the total point score as specified in the request for proposal;

(3) Proposals for phase II and phase III shall be submitted concurrently at the time and place specified in the request for proposal. The phase III cost proposals shall be opened only after the phase II design proposals have been evaluated and assigned points;

(4) Cost proposals will be opened and read aloud at the time and place specified in the request for proposal. At the same time and place, the evaluation team will make public its scoring of phase II. Cost proposals will be evaluated in accordance with the requirements of the request for proposal. In evaluating the cost proposals, the low bidder shall be awarded the total number of points assigned to be awarded in phase III. For all other bidders, cost points will be calculated by reducing the maximum points available in phase III by two percent or more for each percentage point of the low bid by which the bidder exceeds the low bid and the points assigned will be added to the points assigned for phase II for each proposer;

(5) The responsive proposer with the highest total number of points will be awarded the contract. If the director determines, however, that it is not in the best interest of the state to proceed with the project pursuant to the proposal offered by the proposer with the highest total number of points, the director shall reject all proposals. In such event, all qualified proposers with lower point totals shall receive a stipend pursuant to section 8.1024 and the proposer with the highest total number of points shall receive an amount equal to two times such stipend;

(6) If all proposals are rejected, the director may solicit new proposals using different design criteria, budget constraints or qualifications.

8.1024. As an inducement to qualified proposers, the division shall pay a reasonable stipend, the amount of which shall be established in the request for proposal, to each prequalified design-builder whose proposal is responsive but not accepted. Upon payment of the stipend to any unsuccessful design-build proposer, the state shall acquire a nonexclusive right to use the design submitted by the proposer, and the proposer shall have no further liability for its use by the state in any manner. If the design-build proposer desires to retain all rights

and interest in the design proposed, the proposer shall forfeit the stipend.

8.1027. Any person or corporation that enters into a design-build contract with the division of design and construction does not violate the requirements of chapter 327, RSMo, so long as the architectural, engineering or land surveying services to be performed under the contract are performed by:

- (1) Persons who are duly licensed in this state and who are employees of the design-build contractor which holds a certificate of authority from the board of registration; or**
- (2) Persons who are duly licensed in this state and who are under contract to the design-build contractor; or**
- (3) Corporations that hold current certificates of authority from the board for the appropriate profession which are under contract to the design-build contractor."; and**

Further amend said bill, page 130, section 215.038, line 10, by inserting immediately after said line the following:

"227.107. 1. Notwithstanding any provision of section 227.100 to the contrary, as an alternative to the requirements and procedures specified by sections 227.040 to 227.100, the state highways and transportation commission is authorized to enter into one interstate highway design-build pilot project contract within ten years of the effective date of this section. Authority for design-build authorized by this section shall expire upon completion of the project selected, unless reauthorized by law.

2. For the purpose of this section a "design-builder" is defined as an individual, corporation, partnership, joint venture or other entity, including combinations of such entities making a proposal to perform or performing a design-build highway project contract.

3. For the purpose of this section, "design-build highway project contract" is defined as the procurement of all materials and services necessary for the design, construction, reconstruction or improvement of a state highway project in a single contract with a design-builder capable of providing the necessary materials and services.

4. For the purpose of this section, "highway project" is defined as the design, construction, reconstruction or improvement of highways or bridges under contract with the state highways and transportation commission, which is funded by state, federal or local funds or any combination of such funds.

5. In using a design-build highway project contract, the commission shall establish a written procedure by rule for prequalifying design-builders before such design-builders will be allowed to make a proposal on the project.

6. In any design-build highway project contract, whether involving state or federal funds, the commission shall require that each person submitting a request for qualifications provide a detailed disadvantaged business enterprise participation plan. The plan shall provide information describing the experience of the person in meeting disadvantaged business enterprise participation goals, how the person will meet the department of transportation's disadvantaged business enterprise participation goal and such other qualifications that the commission considers to be in the best interest of the state.

7. The commission is authorized to issue a request for proposals to a maximum of five design-builders prequalified in accordance with subsection 5 of this section.

8. The commission may require approval of any person performing subcontract work on the design-build highway project.

9. The bid bond and performance bond requirements of section 227.100 and the payment bond requirements of section 107.170, RSMo, shall apply to the design-build highway project.

10. The commission is authorized to prescribe the form of the contracts for the work.

11. The commission is empowered to make all final decisions concerning the performance of the work under the design-build highway project contract, including claims for additional time and compensation.

12. The provisions of sections 8.285 to 8.291, RSMo, shall not apply to the procurement of architectural, engineering or land surveying services for the design-build highway project, except that any person providing architectural, engineering or land surveying services for the design-builder on the design-build highway project must be licensed in Missouri to provide such services.

13. The commission shall pay a reasonable stipend to prequalified responsive design-builders who submit a proposal, but are not awarded the design-build highway project.

14. The commission shall comply with the provisions of any act of congress or any regulations of any federal administrative agency which provides and authorizes the use of federal funds for highway projects using the design-build process.

15. The commission shall promulgate administrative rules to implement this section or to secure federal funds. Such rules shall be published for comment in the Missouri Register and shall include prequalification criteria, the make-up of the prequalification review team, specifications for the design criteria package, the method of advertising, receiving and evaluating proposals from design-builders, the criteria for awarding the design-build highway project based on the design criteria package and a separate proposal stating the cost of construction, and other methods, procedures and criteria necessary to administer this section.

16. The commission shall make a status report to the members of the general assembly and the governor following the award of the design-build project, as an individual component of the annual report submitted by the commission to the Joint Transportation Oversight Committee in accordance with the provisions of section 21.795, RSMo. The annual report prior to advertisement of the design-build highway project contract shall state the goals of the project in reducing costs and/or the time of completion for the project in comparison to the design-bid-build method of construction and objective measurements to be utilized in determining achievement of such goals. Subsequent annual reports shall include: the time estimated for design and construction of different phases or segments of the project and the actual time required to complete such work during the period; the amount of each progress payment to the design builder during the period and the percentage and a description of the portion of the project completed regarding such payment; the number and a description of design change orders issued during the period and the cost of each such change order; upon substantial and final completion, the total cost of the design-build highway project with a breakdown of costs for design and construction; and such other measurements as specified by rule. The annual report immediately after final completion of the project shall state an assessment of the advantages and disadvantages of the design-build method of contracting for highway and bridge projects in comparison to the design-bid-build method of contracting and an assessment of whether the goals of the project in reducing costs and/or the time of completion of the project were met.

17. The commission shall give public notice of a request for qualifications in at least two public newspapers that are distributed wholly or in part in this state and at least one construction industry trade publication that is distributed nationally.

18. The commission shall publish its cost estimates of the design-build highway project award and the project completion date along with its public notice of a request for qualifications of the design-build project.

19. If the commission fails to receive at least two responsive submissions from design-builders considered qualified, submissions shall not be opened and it shall readvertise the project.

20. The provisions of this section shall be applicable to one interstate pilot highway project which shall be selected by the commission and shall have a total maximum annual expenditure of one hundred twenty-five million dollars for the life of the design-build project.";and

Further amend said bill, Page 130, Section 348.300, Line 11 of said page, by inserting immediately before said line the

following:

"327.465. 1. As used in this section, the following terms shall mean:

- (1) "Design-build", a project for which the design and construction services are furnished under one contract;**
 - (2) "Design-build contract", a contract between the owner, owner's agent, tenant or other party and a design-build contractor to furnish the architecture, engineering and related design services, and the labor, materials and other construction services required for a specific public or private construction project;**
 - (3) "Design-build contractor", any individual, partnership, joint venture, corporation or other legal entity that furnishes architecture or engineering services and construction services either directly or through subcontracts.**
- 2. Any design-build contractor that enters into a design-build contract for public or private construction shall be exempt from the requirement that such person or entity hold a certificate of registration or such corporation hold a certificate of authority if the architectural, engineering or land surveying services to be performed under the contract are performed by:**
- (1) Persons who hold a certificate of registration for the appropriate profession and who are not employees of the design-build contractor; or**
 - (2) Corporations that hold current certificates of authority from the board for the appropriate profession.**
- 3. Any design-build contractor who performs the design work directly, or who practices architecture, professional engineering or professional land surveying through the contractor's employees, or who contracts to do so, shall hold a current certificate of registration or certificate of authority from the board for the professional so practiced.**
- 4. Nothing in this chapter shall prohibit the enforcement of a design-build contract by an unregistered or unauthorized design-build contractor who only furnishes, but does not directly or through its employees perform the architectural, engineering or surveying required by the contract and who does not hold itself out as able to perform such services."; and**

Further amend said bill, Page 156, Section B, line 24 of said page, by inserting immediately after said line the following:

"Section C. The enactment of sections 8.1000, 8.1003, 8.1006, 8.1009, 8.1012, 8.1015, 8.1018, 8.1021, 8.1024 and 8.1027 shall expire on December 31, 2004."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 125, Section 178.892, Line 19, of said page, by inserting after "industry" the following: **", or a job retained as a result of the purchase of a bankrupt business with at least 5,000 employees, but"**; and further amend line 20 of said page by striking "or" as it appears the first time on said line.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 124, Section 135.545, Line 12, by inserting immediately after said line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment [or recreation], games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of local and long distance telecommunications service to telecommunications subscribers and to others through equipment of telecommunications subscribers for the transmission of messages and conversations and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telecommunications subscribers or others, pursuant to section 144.060, and any amounts paid for access to the Internet or interactive computer services shall not be considered as amounts paid for telecommunications services;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the division of motor carrier and railroad safety of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 or leased or rented the property and the tax was paid at the time of purchase, lease or rental, the lessor, sublessor, renter or subrenter shall not apply or collect the tax on the subsequent lease, sublease, rental or subrental receipts from that property. The purchase or use of motor vehicles, trailers, boats, and outboard motors shall be taxed and the tax paid as provided in sections 144.070 and 144.440. No tax shall be collected on the rental or lease of motor vehicles, trailers, boats, and outboard motors, except as provided in sections 144.070 and 144.440. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof;

(9) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid

to, or in any place of recreation, with the exception of dues or fees paid to health and fitness centers solely for health-benefit activities if such dues or fees are separately stated and do not include dues or fees for any other activities or services. For purposes of this subdivision, the term "health-benefit activities" means activities the primary purpose of which is to improve a person's health and fitness, including but not limited to strength programs, running and weight training; cardiovascular programs, exercises and training; lap swimming and aerobic programs, exercises and training; nutrition-related programs; weight control programs, exercises and training; multiple-step health programs; and any programs, activities, exercise, training or therapy which is referred by a physician or which is paid for by health insurance. Health-benefit activities do not include recreational activities including basketball, volleyball, racquetball, baseball, golf, tennis, karate, dancing, open swimming, diving, or any activity that is part of a game, contest or competition.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.525 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 20, Section 67.1545, Line 6, by inserting immediately after said line the following:

"71.794. A special business district may be established, enlarged or decreased in area as provided herein in the following manner:

(1) Upon petition by one or more owners of real property on which is paid the ad valorem real property taxes within the proposed district, the governing body of the city may adopt a resolution of intention to establish, enlarge or decrease in area a special business district. The resolution shall contain the following information:

(a) Description of the boundaries of the proposed area;

(b) The time and place of a hearing to be held by the governing body considering establishment of the district;

(c) The proposed uses to which the additional revenue shall be put and the initial tax rate to be levied.

(2) Whenever a hearing is held as provided hereunder, the governing body of the city shall publish notice of the hearing on two separate occasions in at least one newspaper of general circulation not more than fifteen days nor less than ten days before the hearing; and shall mail a notice by [registered or certified] United States mail [with a return receipt attached] of the hearing to all owners of record of real property and licensed businesses located in the proposed district; and shall hear all protests and receive evidence for or against the proposed action; rule upon all protests which determination shall be final; and continue the hearing from time to time.

(3) If the governing body decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least fifteen days after the decision. Notice shall be given in at least one newspaper of general circulation at least ten days prior to the time of said hearing showing the boundary amendments.

(4) If the governing body following the hearing decides to establish the proposed district, it shall adopt an ordinance to that effect. The ordinance shall contain the following:

(a) The number, date and time of the resolution of intention pursuant to which it was adopted;

(b) The time and place the hearing was held concerning the formation of the area;

- (c) The description of the boundaries of the district;
- (d) A statement that the property in the area established by the ordinance shall be subject to the provisions of additional tax as provided herein;
- (e) The initial rate of levy to be imposed upon the property lying within the boundaries of the district;
- (f) A statement that a special business district has been established;
- (g) The uses to which the additional revenue shall be put;
- (h) In any city with a population of less than three hundred fifty thousand, the creation of an advisory board or commission and enumeration of its duties and responsibilities;
- (i) In any city with a population of three hundred fifty thousand or more, provisions for a board of commissioners to administer the special business district, which board shall consist of seven members who shall be appointed by the mayor with the advice and consent of the governing body of the city. Five members shall be owners of real property within the district or their representatives and two members shall be renters of real property within the district or their representatives. The terms of the members shall be structured so that not more than two members' terms shall expire in any one year. Subject to the foregoing, the governing body of the city shall provide in such ordinance for the method of appointment, the qualifications, and terms of the members."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion prevailed.

Senator Stoll offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 3, Section A, Line 9, by inserting immediately after said line the following:

"67.398. 1. The governing body of any city, town or village, or any county having a charter form of government, **or any county of the first classification with a population of at least one hundred seventy thousand but not more than two hundred twenty thousand inhabitants**, or any county of the first classification that contains part of a city with a population of at least three hundred thousand inhabitants, may enact ordinances to provide for the abatement of a condition of any lot or land that has the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven inches or more in height, rubbish and trash, lumber not piled or stacked twelve inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.

2. Any ordinance authorized by this section may provide that if the owner fails to begin removing the nuisance within a specific time which shall not be longer than seven days of receiving notice that the nuisance has been ordered removed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the building commissioner or designated officer shall cause the condition which constitutes the nuisance to be removed. If the building commissioner or designated officer causes such condition to be removed or abated, the cost of such removal shall be certified to the city clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the city collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.".

Senator Stoll moved that the above amendment be adopted, which motion prevailed.

Senator Dougherty offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 124, Section 135.545, Line 12, by inserting after all of said line the following:

"135.915. 1. As used in this section, the following terms shall mean:

- (1) "Child-occupied facility", as defined in section 701.300, RSMo;**
- (2) "Dwelling", as defined in section 701.300, RSMo;**
- (3) "Owner", as defined in section 701.300, RSMo;**
- (4) "Qualified lead abatement project", lead abatement project as defined in section 701.300, RSMo, which conforms to the requirements of sections 701.300 to 701.338, RSMo;**
- (5) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo.**

2. For tax years beginning on or after January 1, 2002, an owner of any individual parcel of real estate which contains a child-occupied facility or dwelling involved in a qualified lead abatement project shall, upon application to and issuance of a certificate of tax credit by the department of health, be allowed to claim, for not more than two consecutive tax years, a credit against such owner's state tax liability, in an amount equal to fifty percent of costs paid during such owner's taxable year for such qualified lead abatement project. The credit shall be nonrefundable, but may be carried back to the preceding three years and carried forward to the next five succeeding taxable years until the full credit has been claimed. The department of health is authorized to adopt any rules or regulations deemed necessary for the effective administration of this section and is authorized to charge a reasonable processing fee for the issuance of certificates of tax credits pursuant to this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. The cumulative amount of tax credits which may be claimed by all taxpayers in any one fiscal year shall not exceed 500,000 dollars."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered SA 8:

SENATE AMENDMENT NO. 8

Amend House Committee Substitute for House Bill No. 780, Page 72, Section 135.230, Line 10, by inserting immediately at the end of said line the following:

"135.344. 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities;**
- (2) "Director", the director of the department of economic development;**

(3) "Economic opportunity scholarship charity", a charitable organization in this state that is exempt from federal taxation pursuant to section 501(c)(3) of the Internal Revenue Code, as amended, and that allocates at least ninety percent of its annual revenue for educational scholarships to children to allow them to attend a qualified school. For purposes of this section, the phrase "qualified school" means any elementary or secondary school of a child's parents' choice which is situated in this state and does not discriminate on the basis of race, color, handicap, national origin or ancestry which a child may attend to meet the requirements of section 167.031, RSMo. To qualify as an economic opportunity scholarship charity the charitable organization shall provide educational scholarships to students without limiting availability to students attending a particular school and shall give preference to students of families who demonstrate financial need.

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. In order to promote economic development and a well-trained workforce through the expansion of educational opportunities, for all taxable years beginning on or after January 1, 2002, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an economic opportunity scholarship charity. However, the tax credit shall not be allowed if the taxpayer designates the taxpayer's donation for the direct benefit of any dependent of the taxpayer.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any amount of credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution to an economic opportunity scholarship charity in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which charities in this state may be classified as economic opportunity scholarship charities. The director may require a charity seeking to be classified as an economic opportunity scholarship charity to provide whatever information is reasonably necessary to make such a determination. The director shall classify a charity as an economic opportunity scholarship charity if such charity meets the definition set forth in subdivision (3) of subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a charity has been classified as an economic opportunity scholarship charity, and by which such taxpayer can then contribute to such economic opportunity scholarship charity and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to economic opportunity scholarship charities in any one fiscal year shall not exceed one million dollars.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all charities classified as economic opportunity scholarship charities. If an economic opportunity scholarship charity fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those economic opportunity scholarship charities that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year."; and

Further amend the title, enacting clause and intersectional references accordingly.

Senator Steelman moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Gibbons offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 156, Section 1, Line 17 of said page, by inserting immediately after said line the following:

"Section 2. No new tax credits pursuant to sections 135.400 to 135.430 shall be made available after June 30, 2002, for qualified investments in Missouri small businesses which are enterprises which consist of one or more establishment assigned a SIC code of 8731 and the results of the activities of which are designed to be used by establishments assigned a SIC code of 2834, engaged solely in pharmaceutical research and development."; and

Further amend the title and enacting clause accordingly.

Senator Gibbons moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 33, Section 135.100, Line 4, by striking all of said line; and

Further amend said page, lines 24-28, by striking all of said lines; and

Further amend said section, by re-numbering the remaining paragraphs accordingly; and

Further amend said bill, page 48, section 135.110, line 28, by striking the opening bracket, and further amend said section, page 49, line 1, by striking the closing bracket; and

Further amend said bill, page 57, section 135.200, line 28, by striking all of said line; and further amend said section, page 58, lines 1-4, by striking all of said lines; and further amend said section by re-numbering the remaining paragraphs accordingly; and

Further amend said bill, page 68, section 135.230, lines 21-25, by striking the opening and closing brackets.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 124, Section 135.545, Line 12, by inserting after all of said line the following:

"173.840. 1. In addition to any other tax credit available pursuant to sections 173.196 to 173.199, there is hereby authorized a tax credit equal to thirty-five percent of the amount of any donation to the Missouri higher education scholarship donation fund created by section 173.196, for graduate study in chemistry, life sciences, and agricultural sciences, except that tax credits shall be awarded each fiscal year in the order donations are received and the amount of tax credits authorized by this section shall total no more than two hundred fifty thousand dollars for each fiscal year.

2. The department of revenue shall grant tax credits approved pursuant to this section which shall be applied in the order specified in subsection 1 of section 32.115, RSMo, until used. The tax credits provided pursuant to this section shall be refundable, and any tax credit not used in the fiscal year in which approved may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed.

3. No tax credit authorized pursuant to this section may be applied against any tax applied in a tax year beginning prior to January 1, 2002.

4. All revenues credited to the fund shall be used, subject to appropriations, to provide scholarships or fellowships authorized pursuant to sections 173.196 to 173.199, and for no other purpose.

5. Donations received by the Missouri higher education scholarship donation fund pursuant to this section shall be used for the purposes authorized pursuant to sections 173.196 to 173.199."; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Pages 113 and 114, Section 135.530, by striking the entire section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 124, Section 135.545, Line 12, by inserting after all of said line the following:

"135.552. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Director", the director of the department of public safety;

(3) "Sexual violence crisis service center", a nonprofit organization having a primary function of serving sexual violence victims, or running a discrete, separate program that serves sexual violence victims, or two or more

nonprofit organizations operating under a formal arrangement to provide sexual violence services to victims of rape, sexual assault and sexual abuse, their significant others, secondary victims and the community. For purposes of this section, eligible services of a sexual violence crisis service center, include, but shall not be limited to, the operation of a twenty-four-hour crisis hotline promoted as a service for sexual violence victims and the provision of information, referrals, medical and justice system advocacy, crisis intervention and support groups at no charge and community education and prevention education;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, an insurance company paying an annual tax on its gross premium receipts in this state or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a sexual violence crisis service center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a sexual violence crisis service center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which organizations and programs in this state may be classified as sexual violence crisis service centers. The director may require an organization or program seeking to be classified as a sexual violence crisis service center to submit any information which is reasonably necessary to make such a determination. The director shall classify an organization or program as a sexual violence crisis service center if such organization or program meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if an organization or program has been classified as a sexual violence crisis service center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Sexual violence crisis service centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to sexual violence crisis service centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all organizations and programs classified as sexual violence crisis service centers. If a sexual violence crisis service center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those sexual violence crisis service centers that have used all, or some percentage to be determined

by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each sexual violence crisis service center shall provide information to the director concerning the identity of each taxpayer making a contribution to the sexual violence crisis service center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.

135.630. 1. As used in this section, the following terms shall mean:

- (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;
- (2) "Director", the director of the department of social services;
- (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148 and 153, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, exclusive of the provisions relating to withholding tax contained in sections 143.191 to 143.265, RSMo;
- (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, an insurance company paying an annual tax on its gross premium receipts in this state or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;
- (5) "Unplanned pregnancy resource center", a nonresidential facility located in this state:
 - (a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and
 - (b) Where childbirths are not performed; and
 - (c) Which does not perform or refer for abortions and which does not hold itself out as performing or referring for abortions; and
 - (d) Which provides direct client services, as opposed to merely providing counseling or referral services by telephone; and
 - (e) Which provides its services at no cost; and
 - (f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to an unplanned pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next three succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to an unplanned pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as unplanned pregnancy resource centers. The director may require a facility seeking to be classified as an unplanned pregnancy resource center to submit any information which is reasonably necessary to make such a determination. The director shall classify a facility as an unplanned pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as an unplanned pregnancy resource center, and by which such taxpayer can then contribute to such centers and claim a tax credit. Unplanned pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to unplanned pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued based on the order in which accepted contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as unplanned pregnancy resource centers. If an unplanned pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those unplanned pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each unplanned pregnancy resource center shall provide information to the director concerning the identity of each taxpayer making a contribution to the unplanned pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

9. This section shall become effective January 1, 2002, and shall apply to tax years after December 31, 2001.";
and

Further amend the title and enacting clause of said bill accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Kenney requested a division of the question on **SA 13**, asking that a vote first be taken on the portion of the amendment dealing with section 135.552 and that a second vote be taken on the portion of the amendment dealing with 135.630, which request was granted.

Senator Schneider moved that Part 1 of **SA 13** be adopted, which motion failed.

Senator Schneider requested a roll call vote be taken on the adoption of Part 2 of **SA 13** and was joined in his request by Senators Cauthorn, Mathewson, Steelman and Stoll.

Part 2 of **SA 13** was adopted by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Gross	House	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Scott	Singleton
Stelman	Westfall	Yeckel--19	
NAYS--Senators			
Bentley	Bland	Caskey	DePasco
Goode	Jacob	Johnson	Mathewson
Quick	Sims	Staples	Stoll
Wiggins--13			
Absent--Senator Dougherty--1			
Absent with leave--Senator Carter--1			

Senator Klarich assumed the Chair.

Senator Bland offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 78, Section 135.411, Line 14, by inserting at the end of said line the following: "**A minimum of thirty percent of qualified investments made in Missouri small businesses in distressed communities shall be invested in pre-seed and seed ventures located in incubators funded, in whole or in part, by the department of economic development. A pre-seed or seed company which receives such an investment shall either maintain its corporate headquarters in the distressed community for a minimum of five years from the date of the original qualified investment, or the company shall maintain its primary customer base within the distressed community for a minimum of five years from the date of the original qualified investment. For purposes of this section, "maintaining its primary customer base within the distressed community" means that at least fifty-one percent of the customers of the pre-seed or seed company shall reside or be based within the boundaries of the distressed community. Failure to fulfill these requirements shall result in revocation of the tax credit, and repayment of any amounts of the tax credit already applied against the investor's state tax liability.**"; and

Further amend said bill, Page 105, Section 135.516, Line 28, by inserting after "investments" the following: "**, and at least one of the companies receiving such investments shall be a pre-seed company**"; and further amend page 106, line 3, by inserting after "investments" the following: "**, and at least one of the companies receiving such investments shall be a pre-seed company**"; and further amend said bill, section and page, line 7, by inserting after "investments" the following: "**, and at least one of the companies receiving such investments shall be a pre-seed company**".

Senator Bland moved that the above amendment be adopted, which motion prevailed.

Senator Gross offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 154, Section 447.721, Line 28, by inserting after all of said line the following:

"516.097. 1. Any action to recover damages for **economic loss**, personal injury, property damage or wrongful death arising out of a defective or unsafe condition of any improvement to real property, including any action for contribution or indemnity for damages sustained on account of the defect or unsafe condition, shall be commenced within ten years of the date on which [any] such improvement is **substantially** completed.

2. This section shall only apply to actions against any person whose sole connection with the improvement is performing or furnishing, in whole or in part, the design, planning or construction, including architectural, engineering or construction services, of the improvement.

3. If any action is commenced against any person specified by subsection 2[, any] **of this section**, such person may, within one year of the date of the filing of such [an] action, notwithstanding the provisions of subsection 1 **of this section**, commence an action or a third party action for contribution or indemnity for damages sustained or claimed in any action because of **economic loss**, personal injury, property damage or wrongful death arising out of a defective or unsafe condition of any improvement to real property.

4. This section shall not apply [if]:

(1) **If** an action is barred by another provision of law;

(2) **If** a person conceals any defect or deficiency in the design, planning or construction, including architectural, engineering or construction services, in an improvement for real property, if the defect or deficiency so concealed directly results in the defective or unsafe condition for which the action is brought;

(3) [The] **To limit any** action [is] brought against any owner or possessor of real estate or improvements [thereon] **on such real estate**.

5. The statute of limitation for buildings completed on August 13, 1976, shall begin to run on August 13, 1976, and shall be for the time specified [herein] **in this section**.

6. For the purposes of this section, the term "substantially completed" means that construction has progressed to the point that the building, facility, structure or improvement can be put to the use for which it was intended, even though comparatively minor items remain to be furnished or performed in order to conform to the plans and specifications for the completed building, facility, structure or improvement, which minor items do not prevent occupancy or use of the building, facility, structure or improvement. Certificate of substantial completion issued by a design professional or a temporary certificate of occupancy by a public official shall be evidence of substantial completion.

537.800. 1. In any action against a licensed professional for damages or injuries due to the rendering of or failure to render professional services, the plaintiff or plaintiff's attorney shall file an affidavit with the court stating that the plaintiff or plaintiff's attorney has obtained the written opinion of a legally qualified like licensed professional which states that the defendant licensed professional failed to use such care as a reasonably prudent and careful licensed professional would have under similar circumstances and that such failure to use such reasonable care directly caused or directly contributed to cause the damages claimed in the petition.

2. The affidavit shall state the qualifications of the like licensed professional to offer such opinion.

3. A separate affidavit shall be filed for each defendant named in the petition.

4. The affidavit shall be filed no later than ninety-five days after the filing of the petition unless the court, for good cause shown, orders that such time be extended.

5. If the plaintiff or his attorney fails to file the affidavit, the court may, upon motion of any party, dismiss the action against such moving party without prejudice.

6. For purposes of this act, the term "licensed professional" shall mean every licensed architect, professional engineer, land surveyor or any corporation authorized to render any of the aforementioned professional services. This section shall not apply to any "health care provider" as that term is defined in section 538.205, RSMo.

7. The provisions of this section shall not apply to actions filed in small claims court pursuant to chapter 482, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Mathewson moved that **SS** for **SCS** for **HS** for **HCS** for **HB 780**, as amended, be adopted, which motion prevailed.

Senator Kenney was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HCS** for **HB 780**, as amended, to the Committee on State Budget Control, which placed the bill on the Informal Calendar.

Senator Rohrbach assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HB 762**, as amended. Representatives: Barry, Bonner, Selby, Holand and Ostmann.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 10**, entitled:

An Act to repeal section 516.350, RSMo 2000, relating to division of benefits in dissolution of marriage judgments, and to enact in lieu thereof one new section relating to the same subject.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 10, Section 516.350, by inserting before said section the following:

"511.350. 1. Judgments and decrees rendered by the supreme court, by any United States district or circuit court held within this state, by any district of the court of appeals, by any circuit court and any probate division of the circuit court, except judgments and decrees rendered by associate, small claims and municipal divisions of the circuit courts, shall be liens on the real estate of the person against whom they are rendered, situate in the county for which or in which the court is held.

2. Judgments and decrees rendered by the associate divisions of the circuit courts shall not be liens on the real estate of the person against whom they are rendered until such judgments or decrees are filed with the clerk of the circuit court pursuant to sections [517.770] "**517.141**" and [517.780] "**517.151**", RSMo.

3. Judgments and decrees rendered by the small claims and municipal divisions of the circuit court shall not constitute

liens against the real estate of the person against whom they are rendered.

511.360. The lien of a judgment or decree shall extend as well to the real estate acquired after the rendition thereof, as to that which was owned when the judgment or decree was rendered. Such liens shall commence on the day of the rendition of the judgment, and shall continue for [three] "**ten** years, subject to be revived as herein provided; but when two or more judgments or decrees are rendered at the same term, as between the parties entitled to such judgments or decrees, the lien shall commence on the last day of the term at which they are rendered."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 10, Page 2, Section 516.350, Line 13, by adding the following at the end of said line:

"An action to emancipate a child, and any personal service or order rendered thereon, shall not act to revive the support order.".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 186**, entitled:

An Act to repeal sections 139.050, 139.052, 139.053, 148.064, 148.400, 301.600, 362.044, 362.105, 362.106, 362.119, 362.170, 362.270, 362.325, 362.335, 362.495, 362.935, 362.942, 367.100, 367.215, 367.500, 367.503, 367.506, 367.509, 367.512, 367.515, 367.518, 367.521, 367.524, 367.527, 367.530, 408.052, 408.140, 408.500 and 513.430, RSMo 2000, relating to financial services, and to enact in lieu thereof thirty-nine new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 3 and 4.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 186, Page 1, In the title, Line 9 of said page, by inserting after the following: "2000," the following: "and Section 367.100 as enacted by Senate Substitute for House Committee Substitute for House Bill No. 738, ninety-first general assembly, first regular session,"; and

Further amend said bill, Page 1, Section A, Line 20 of said page, by inserting after the following: "2000," the following: "and Section 367.100 as enacted by Senate Substitute for House Committee Substitute for House Bill No. 738, ninety-first general assembly, first regular session,"; and

Further amend said bill, Section 367.100, Page 49, Lines 31 to 39 of said page and Page 50, Lines 1 to 19 of said page, by deleting all of said section and inserting in lieu thereof the following:

"[367.100. As used in sections 367.100 to 367.200:

- (1) "Consumer credit loans" shall mean loans for personal, family or household purposes in amounts of five hundred dollars or more;
- (2) "Director" shall mean the director of the division of finance or such agency or agencies as may exercise the powers and duties now performed by such director;
- (3) "Lender" shall mean any person engaged in the business of making consumer credit loans. A person who makes an

occasional consumer credit loan or who occasionally makes loans but is not regularly engaged in the business of making consumer credit loans shall not be considered a lender subject to sections 367.100 to 367.200;

(4) "Person" shall include individuals, partnerships, associations, trusts, corporations, and any other legal entities, excepting those corporations whose powers emanate from the laws of the United States and those which under other law are subject to the supervisory jurisdiction of the director or the director of the division of credit unions of Missouri;

(5) "Supervised business" shall mean the business of making consumer credit loans, as herein defined, of money, credit, goods, or things in action.

The provisions of section 367.100(1)(b) shall not be effective until January 1, 2002.]

367.100. As used in sections 367.100 to 367.200:

(1) "Consumer credit loans" shall mean:

(a) Prior to January 1, 2002, loans for the benefit of or use by an individual or individuals:

[(a)] **a.** Secured by a security agreement or any other lien on tangible personal property or by the assignment of wages, salary or other compensation; or

[(b)] **b.** Unsecured and whether with or without comakers, guarantors, endorsers or sureties;

(b) Beginning January 1, 2002 and thereafter, loans for personal, family or household purposes in amounts of five hundred dollars or more;

(2) "Director" shall mean the director of the division of finance or such agency or agencies as may exercise the powers and duties now performed by such director;

(3) "Lender" shall mean any person engaged in the business of making consumer credit loans. A person who makes an occasional consumer credit loan or who occasionally makes loans but is not regularly engaged in the business of making consumer credit loans shall not be considered a lender subject to sections 367.100 to 367.200;

(4) "Person" shall include individuals, partnerships, associations, trusts, corporations, and any other legal entities, excepting those corporations whose powers emanate from the laws of the United States and those which under other law are subject to the supervisory jurisdiction of the director [of the division of the finance of Missouri,] or the director of the division of credit unions of Missouri;

(5) "Supervised business" shall mean the business of making consumer credit loans, as herein defined, of money, credit, goods, or things in action."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 186, Pages 8-9, Section 148.400, by deleting said section from the bill; and

Further amend the title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 186, Page 74, Section 367.532, Line 2 of said page, by inserting after all of said line the following:

"379.316. 1. Section 379.017 and sections 379.316 to 379.361 apply to insurance companies incorporated pursuant to sections 379.035 to 379.355, section 379.080, sections 379.060 to 379.075, sections 379.085 to 379.095, sections

379.205 to 379.310, and to insurance companies of a similar type incorporated pursuant to the laws of any other state of the United States, and alien insurers licensed to do business in this state, which transact fire and allied lines, marine and inland marine insurance, to any and all combinations of the foregoing or parts thereof, and to the combination of fire insurance with other types of insurance within one policy form at a single premium, on risks or operations in this state, except:

- (1) Reinsurance, other than joint reinsurance to the extent stated in section 379.331;
- (2) Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured pursuant to marine, as distinguished from inland marine, insurance policies;
- (3) Insurance against loss or damage to aircraft;
- (4) All forms of motor vehicle insurance; and
- (5) All forms of life, accident and health, and workers' compensation insurance.

2. Inland marine insurance shall be deemed to include insurance now or hereafter defined by statute, or by interpretation thereof, or if not so defined or interpreted, by ruling of the director, or as established by general custom of the business, as inland marine insurance.

3. Commercial property and commercial casualty insurance policies [which meet the exemption requirements of section 379.362 shall be exempt from those insurance laws of this state which concern the regulation by the director of the department of insurance of the policy language, policy provisions or the format of such policies, or the regulation of the rates used to calculate the amount of premium charged] **are subject to rate and form filing requirements as provided in section 379.321.**

379.321. 1. Every insurer shall file with the director, except as to commercial property or commercial casualty insurance as provided in subsection 6 of this section [and as to inland marine risks which by regulation or general custom of the business are not written according to manual rates or rating plans], every manual of classifications, rules, underwriting rules and rates, every rating plan and every modification of the foregoing which it uses and the policies and forms to which such rates are applied. Any insurer may satisfy its obligation to make any such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings and by authorizing the director to accept such filings on its behalf, provided that nothing contained in section 379.017 and sections 379.316 to 379.361 shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization or as requiring any member or subscriber to authorize the director to accept such filings on its behalf. Filing with the director by such insurer or licensed rating organization within ten days after such manuals, rating plans or modifications thereof or policies or forms are effective shall be sufficient compliance with this section.

2. Except as to commercial property or commercial casualty insurance as provided in subsection 6 of this section and [as to contracts or policies for] inland marine risks [as to which filings are not required] **as provided in subsection 1 of this section**, no insurer shall make or issue a policy or contract except pursuant to filings which are in effect for that insurer or pursuant to section 379.017 and sections 379.316 to 379.361. Any rates, rating plans, rules, classifications or systems, in effect on August 13, 1972, shall be continued in effect until withdrawn by the insurer or rating organization which filed them.

3. Upon the written application of the insured, stating his or her reasons therefor, filed with the insurer, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

4. Every insurer which is a member of or a subscriber to a rating organization shall be deemed to have authorized the director to accept on its behalf all filings made by the rating organization which are within the scope of its membership or subscribership, provided:

- (1) That any subscriber may withdraw or terminate such authorization, either generally or for individual filings, by written notice to the director and to the rating organization and may then make its own independent filings for any

kinds of insurance, or subdivisions, or classes of risks, or parts or combinations of any of the foregoing, with respect to which it has withdrawn or terminated such authorization, or may request the rating organization, within its discretion, to make any such filing on an agency basis solely on behalf of the requesting subscriber; and

(2) That any member may proceed in the same manner as a subscriber unless the rating organization shall have adopted a rule, with the approval of the director:

(a) Requiring a member, before making an independent filing, first to request the rating organization to make such filing on its behalf and requiring the rating organization, within thirty days after receipt of such request, either:

a. To make such filing as a rating organization filing;

b. To make such filing on an agency basis solely on behalf of the requesting member; or

c. To decline the request of such member; and

(b) Excluding from membership any insurer which elects to make any filing wholly independently of the rating organization.

5. Any change in a filing made pursuant to this section during the first six months of the date such filing becomes effective shall be approved or disapproved by the director within ten days following the director's receipt of notice of such proposed change.

6. [Commercial property and commercial casualty insurance policies which meet the exemption requirements of section 379.362 shall adhere to the filing requirements of this section, provided however, that the filings for such policies shall be for informational purposes only. Therefore, all manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, shall be filed with the director for policies which meet the exemption requirements of section 379.362. Such filings shall be made with the director within thirty days after such materials are used by the insurer, but such policies and rates need not be reviewed or approved by the department of insurance as a condition of their use. Nothing in this subsection shall require the filing of individual policies or the rates related thereto where the original policy forms, manuals, rates and rules for the insurance plan or program to which such individual policies conform have already been filed with the director.] **Commercial property and commercial casualty requirements differ as follows:**

(1) All commercial property and commercial casualty insurance rates, rate plans, modifications, and manuals of classifications, where appropriate, shall be filed with the director for informational purposes only. Such rates are not to be reviewed or approved by the department of insurance as a condition of their use. Nothing in this subsection shall require the filing of individual rates where the original manuals, rates and rules for the insurance plan or program to which such individual policies conform have already been filed with the director;

(2) If an insurer will only renew a commercial casualty or commercial property insurance policy with an increase in premium of twenty-five percent or more, a "premium alteration requiring notification" notice must be mailed or delivered by the insurer at least sixty days prior to the expiration date of the policy, except in the case of an umbrella or excess policy the coverage of which is contingent on the coverage of an underlying policy of commercial property or casualty insurance, in which case notice of an increase in premium of twenty-five percent or more shall be mailed or delivered at least thirty days prior to the expiration date of the policy. Such notice shall be mailed or delivered to the agent of record and to the named insured at the address shown in the policy. If the insurer fails to meet this notice requirement, the insured shall have the option of continuing the policy for the remainder of the notice period plus an additional thirty days at the premium rate of the existing policy or contract. This provision does not apply if the insurer has offered to renew a policy without such an increase in premium or if the insured fails to pay a premium due or any advance premium required by the insurer for renewal. For purposes of this section, "premium alteration requiring notification" means an annual increase in premium of twenty-five percent or more, exclusive of premium increases due to a change in the operations of the insured which increases either the hazard insured against or the individual loss characteristics, or due to a change in the magnitude of the exposure basis, including, without limitation, increases in payroll or

sales. For commercial multiperil policies, no "premium alteration requiring notification" shall be required unless the increase in premium for all of a policyholder's policies taken together amounts to a twenty-five percent or more annual increase in premium;

(3) Commercial property and commercial casualty policy forms shall be filed with the director as provided pursuant to subsection 1 of this section. However, if after review, it is determined that corrective action must be taken to modify the filed forms, the director shall impose such corrective action on a prospective basis for new policies. All policies previously issued which are of a type that is subject to such corrective action shall be deemed to have been modified to conform to such corrective action retroactive to their inception date;

(4) For purposes of this section, "commercial casualty" means "commercial casualty insurance" as defined in section 379.882. For purposes of this section, "commercial property" means property insurance, which is for business and professional interests, whether for profit, nonprofit or public in nature which is not for personal, family or household purposes, but does not include title insurance;

(5) Nothing in this subsection shall limit the director's authority over excessive, inadequate or unfairly discriminatory rates.

379.356. 1. No insurer, broker or agent shall knowingly charge, demand or receive a premium for any policy of insurance except in accordance with the provisions of section 379.017 and sections 379.316 to 379.361. No insurer or employee thereof, and no broker or agent shall pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in applicable filings. No insured named in any policy of insurance shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, credit or reduction of premium, or any such special favor or advantage or valuable consideration or inducement. Nothing in this section shall be construed as prohibiting the payment of, nor permitting the regulation of the payment of, commissions or other compensation to duly licensed agents and brokers; nor as prohibiting, or permitting the regulation of, any insurer from allowing or returning to its participating policyholders or members, dividends or savings.

2. An insurer or insurance producer, agent or broker may charge additional incidental fees for premium installments, late payments, policy reinstatements, or other similar services specifically provided for by law or regulation. Such fees shall be disclosed to the applicant or insured in writing.

379.425. 1. Sections 379.420 to 379.510 apply to casualty insurance, including fidelity, surety and guaranty bonds, and to all forms of motor vehicle insurance, on risks or operations in this state, except:

(1) Reinsurance, other than joint reinsurance to the extent stated in section 379.460 and subsection 2 of section 379.430;

(2) Insurance against workers' compensation liability;

(3) Accident and health insurance;

(4) Insurance against loss of or damage to aircraft, or against liability, other than employers' liability, arising out of the ownership, maintenance or use of aircraft.

2. Commercial casualty insurance policies [which meet the exemption requirements of section 379.362] shall be exempt from [those insurance laws of this state which concern the regulation by the director of insurance of the policy language, policy provisions or the format of such policies, or regulation of the rates used to calculate the amount of premium charged] **the provisions of sections 379.420 to 379.510 to the extent permitted pursuant to subsection 6 of section 379.321.**

379.888. 1. As used in sections 379.888 to 379.893, the following terms mean:

- (1) "'A' rated risk", any insurance coverage for which rates are individually determined based upon judgment because neither a rate service organization nor the insurer has yet established a manual rate based upon experience, except that if a rate service organization or the insurer acquires sufficient experience to establish, or if the insurer itself has, a manual rate for such coverage, then such coverage shall no longer be considered an "A" rated risk for each insurer;
- (2) "Base rate", the rate designed to reflect the average aggregate experience of a particular market, prior to adjustment for individual risk characteristics resulting from application of any rating plan;
- (3) "Classification", a grouping of insurance risks according to a classification system used by an insurer;
- (4) "Classification system", a schedule of classifications and a rule or set of rules used by an insurer for determining the classification applicable to an insured;
- (5) "Commercial casualty insurance", casualty insurance for business or nonprofit interests which is not for personal, family, or household purposes;
- (6) "Director", the director of the department of insurance;
- (7) "Rate", a monetary amount applied to the units of exposure basis assigned to a classification and used by an insurer to determine the premium for an insured;
- (8) "Rating plan", a rule or set of rules used by an insurer to calculate premium for an insured, and the parameter values used in such calculation, after application of classification premium rates to units of exposure; and
- (9) "Rating system", a collection of rating plans to be used by an insurer, rules for determining which rating plans are applicable to an insured, a classification system, and other rules used by an insurer for determining contractual consideration for insured.

2. [Every filing of commercial casualty insurance premium rates, rating plans or rating systems by an insurer or rating organization shall be submitted to the director for review prior to becoming effective if it produces an increase or decrease exceeding twenty-five percent annually from changes in any:

- (1) Base rates;
- (2) Rating basis;
- (3) Rating plans;
- (4) Manual rules;
- (5) Territorial definitions; or
- (6) Combination of such rating system components of subdivisions (1) to (5) of this subsection.

3.] Nothing in this section applies to premium increases or decreases from:

- (1) Change in hazard of the insured's operation;
- (2) Change in magnitude of the exposure basis for the insured, including, without limitation, changes in payroll or sales;
- (3) "A" rated risks[; or
- (4) Commercial casualty insurance that is exempt pursuant to section 379.362].

[4.] **3.** Any renewal notice of a commercial casualty insurance policy as defined in section 379.882 for any Missouri risk or portion thereof which would have the effect of increasing the premium charged to the insured due to a change in any scheduled rating factor applied to the policy during the previous policy period shall contain or be accompanied by a notice to the insured informing the insured that any inquiry by the insured concerning the change may be directed to the agent of record or directly to the insurer. When any insured makes a request for information pursuant to this subsection, the insurer, directly or through the insurer's agent, shall inform the insured in writing in terms sufficiently clear and specific of the basis for any reduction in a scheduled rating credit or increase in a scheduled rating debit which is applied to the policy. Evidence supporting the basis for any scheduled rating credit or debit shall be retained by the insurer for the policy term plus two calendar years pursuant to section 374.205, RSMo. The department of insurance shall notify commercial casualty insurers of the requirements of this section by bulletin.

4. Any renewal involving a "premium alteration requiring notification" as defined in subsection 6 of section 379.321, shall be handled pursuant to the requirements of that subsection."; and

Further amend said bill, Page 92, Section 513.430, Line 14 of said page, by inserting after all of said line the following:

"Section 1. No insurer or its agent or representative shall require any applicant or policyholder to divulge if any insurer has denied any claim of that applicant or policyholder."; and

Further amend said title, enacting clause and intersectional references accordingly.

PRIVILEGED MOTIONS

Senator Klarich moved that **SCS** for **SB 186**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 186**, as amended, entitled:

**HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR**

SENATE BILL NO. 186

An Act to repeal sections 139.050, 139.052, 139.053, 148.064, 148.400, 301.600, 362.044, 362.105, 362.106, 362.119, 362.170, 362.270, 362.325, 362.335, 362.495, 362.935, 362.942, 367.100, 367.215, 367.500, 367.503, 367.506, 367.509, 367.512, 367.515, 367.518, 367.521, 367.524, 367.527, 367.530, 408.052, 408.140, 408.500 and 513.430, RSMo 2000, relating to financial services, and to enact in lieu thereof thirty-nine new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich moved that **HS** for **HCS** for **SCS** for **SB 186**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
NAYS--Senator Jacob--1			

Absent--Senators

Childers

Schneider

Scott

Staples--4

Absent with leave--Senator Carter--1

On motion of Senator Klarich, **HS** for **HCS** for **SCS** for **SB 186**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Childers

Schneider

Staples--3

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 839, regarding Chris Acosta, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 840, regarding Bradley M. Boman, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Johnson introduced to the Senate, the Physician of the Day, Dr. Robert Schaaf, M.D., St. Joseph.

On motion of Senator Kenney, the Senate adjourned until 9:00 a.m., Friday, May 18, 2001.

SENATE CALENDAR

SEVENTY-SIXTH DAY-FRIDAY, MAY 18, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon

(In Budget Control)

SS for SB 242-Kenney

(In Budget Control)

SCS for SB 225-Mathewson

(In Budget Control)

SS for SCS for SBs 334

& 228-Kinder

(In Budget Control)

SENATE BILLS FOR PERFECTION

SB 565-Staples

SB 596-Loudon

SB 597-Singleton

SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,

with SCS

SBs 508 & 468-Cauthorn

and Klindt, with SCS HOUSE BILLS ON THIRD READING

HCS for HBs 754, 29,

300 & 505 (Bentley)

(In Budget Control)

HS for HCS for HB 824-

Abel (Mathewson)

(In Budget Control)

HS for HB 612-Ladd

Baker, with SCS (Sims)

(In Budget Control)

HS for HB 736-Liese,

with SCS (Yeckel)

(In Budget Control)

HCS for HJR 7, with

SCS (Staples)

(In Budget Control)

HS for HB 555-Foley,

with SCS (Scott)

(In Budget Control)

HS for HB 349-Hosmer,

with SCS (Sims)

(In Budget Control)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 65-Gibbons, with SCS

SBs 67 & 40-Gross, with SCS

SB 68-Gross and House

SB 99-Sims, with SCS

SB 114-Loudon, with SCS,

SS for SCS & SA 1

(pending)

SB 184-Johnson, et al,

with SS#2 (pending)

SB 222-Caskey, with SA 3

& SSA 1 for SA 3 (pending)

SBs 238 & 250-Staples, et

al, with SCS (pending)

SB 239-Stoll, with SCS &

SA 11 (pending)

SB 251-Kinder

SBs 253 & 260-Gross, with

SCS (pending)

SB 331-DePasco, et al,

with SCS & SS for SCS

(pending)

SB 373-Gibbons and Yeckel, with SCS

SBs 391 & 395-Rohrbach,

with SCS & SS for SCS

(pending)

SB 438-Bentley and Stoll,

with SS, SS for SS &

SA 1 (pending)

SB 445-Singleton, with

SCS & SS for SCS

(pending)

SB 454-Kinder, with SCS

SB 455-Kinder, et al,

with SCS

SBs 459, 305, 396 & 450-

Westfall, with SCS &

SS for SCS (pending)

SB 469-Gross, et al

SB 488-Klindt, et al,

with SCS

SB 535-Rohrbach, with SCS,

SS for SCS & point of

order (pending)

SB 546-Kenney, et al,

with SCS

SB 583-Yeckel

SB 593-Klindt, with SCS

SJR 11-Yeckel HOUSE BILLS ON THIRD READING

HCS for HB 50, with SCS

(Stoll)

HB 70-Koller, with SCA 1 (Staples)

HB 133-Gambaro, with SCS

(Yeckel)

HB 185-Legan, et al, with

SCS (Gross)

HS for HCS for HBs 237,

270, 403 & 442-Smith,

with SCA 1 (Yeckel)

HB 249-Treadway, with SCS

(Kinder)

HB 285-Riback Wilson, et al,

with SS, SS for SS, SA 8

& point of order (pending)

(Jacob)

HS for HCS for HB 327-

Rizzo, with SCS (Quick)

HB 385-Franklin, with SCS,

SS for SCS & SA 8

(pending) (Foster)

HB 436-Merideth, et al

(Childers)

HB 444-Kreider, et al,

with SCA 1 (Wiggins)

HS for HCS for HB 488-

Koller, with SCS (Childers)

HB 544-Holand and

Treadway, with SA 1

(pending) (Bentley)

HCS for HB 581, with SCS

(Klindt)

SCS for HB 662-Green (73)

and St. Onge (Foster)

(In Budget Control)

HB 678-Seigfreid, with SCS

(pending) (Mathewson)

SS for SCS for HCS for

HB 780 (Kenney)

(In Budget Control)

HS for HCS for HBs 835,

90, 707, 373, 641, 510,

516 & 572-Britt, with

SCS (Caskey)

HS for HB 882-Crump, with

SCS (Singleton)

HS for HCS for HBs 924,

714, 685, 756, 734 &

518-Wiggins, with SCS

& SS for SCS (pending)

(Mathewson)

HB 949-Barry, with SCS,

SS#2 for SCS, SA 1 &

point of order (pending)

(Sims)

HB 954-Hosmer (Westfall)

HJR 5-Barry, et al, with SS,

SA 1 & point of order

(pending) (Yeckel) CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al (Stoll)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 10-Caskey,
with HS for HCS, as
amended

SB 125-Bentley, with HS
for HCS, as amended

SS for SCS for SB 226-
Goode, with HS for HCS,
as amended
SB 307-Jacob, with HCS
SB 470-Goode, et al, with
HCA 1, HA 1 & HA 2

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 48-Sims,
with HS for HCS, as
amended
SB 72-Loudon, with HS for
HCS, as amended
SCS for SB 151-Childers,
with HCS
(Senate adopted CCR#2
and passed CCS#2)
SS for SB 193-Rohrbach,
with HCS, as amended
(Senate adopted CCR
and passed bill)
SCS for SB 236-Sims, with
HS for HCS, as amended
SS for SB 244-Staples, with HCS,
as amended (Senate adopted

CCR and passed CCS)

SCS for SB 266-Bland, et al,

with HS for HCS, as amended

SB 274-Caskey, with HCS

(Senate adopted CCR

and passed CCS)

SB 304-Klarich, with HCS

SB 365-Steelman, with HS

for HCS, as amended

SS for SCS for SB 369-Steelman,

with HS for HCS, as amended

(Senate adopted CCR

and passed CCS)

SCS for SB 393-Sims, with

HS, as amended

(Senate adopted CCR

and passed CCS)

SB 460-Klarich, with HS

for HCS, as amended

SB 610-Westfall, with HCS

(Senate adopted CCR

and passed CCS)

SCS for SB 617-Steelman,

with HS for HCS, as

amended

HB 80-Ross, with SCS, as

amended (Kenney)

HB 157-Hosmer, with SCS

(Bentley)

HCS for HBs 205, 323 &
549, with SCS (Childers)

HCS for HBs 302 & 38,
with SCS, as amended
(Westfall)

HS for HB 421-Hoppe, with
SS for SCS, as amended

(Kinder)

(House adopted CCR
and passed CCS)

HB 453-Ransdall, et al,
with SS for SCS, as
amended (Steelman)

(Further conference
granted)

HB 471-Jolly, et al, with
SCS, as amended

(Wiggins)

HS for HCS for HB 762-
Barry, with SS for SCS,
as amended

(Sims and Stoll) Requests to Recede or Grant Conference

SS for SCS for SB 351-
Singleton, with HS, as
amended

(Senate requests House

recede or grant conference)

SCS for SB 591-Kenney,

with HS for HCS, as

amended

(Senate requests House

recede or grant conference) RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3

& SSA 1 for SA 3 (pending) Reported from Committee

SCR 8-Caskey, with SA 2

(pending)

SCR 17-Steelman, et al

HCR 16-Green and Holt (House)

SR 495-Klarich, with SCS

SCR 34-Sims, with SCA 1 Requests to Recede or Grant Conference

SS for SCR 2-Singleton,

with HCS

(Senate requests House

recede or grant conference)

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SIXTH DAY--FRIDAY, MAY 18, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"(I am the Lord:) I will grant peace in the land, and you shall lie down, and no one shall make you afraid." (Leviticus 26:6)

Merciful Father, the hours are numbered until the tension and anxiety of this session and this day are ended and we shall have rest. So we pray that You walk these hours with us so we may know Your love and mercy and we may come to that place of wholeness of body, mind, spirit and community. There we shall receive Your peace and know we have fought the good fight and completed the race. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Jefferson City News Tribune, KRCG-TV, KOMU-TV, KTVI-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Carter--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 841, regarding Mr. Jim Goldammer, Jefferson City, which was adopted.

Senator Gross offered Senate Resolution No. 842, regarding Jared Michael Loeb, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 843, regarding Blake N. Imam, St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 844, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert A. Koenig, St. Charles, which was adopted.

Senator Singleton offered Senate Resolution No. 845, regarding The Jones Creek Quilt, which was adopted.

Senator Singleton offered Senate Resolution No. 846, regarding Donald E. Clark, D.P.M., Joplin, which was adopted.

Senator Kenney offered Senate Resolution No. 847, regarding Thomas James Scroggin, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 848, regarding Theron L. Sutherland, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 849, regarding Christopher B. Wright, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 850, regarding Joseph Ryan Ondriezek, Lee's Summit, which was adopted.

PRIVILEGED MOTIONS

Senator Kinder requested unanimous consent of the Senate to make one motion to return the appointments of Yvonne Hunter, Audrey R. Jones, Richard W. Sullivan, Kathy A. Surratt-States, Pamela S. Wright and Judy A. Zakibe to the Governor pursuant to his request, which request was granted.

Senator Kinder moved that the above appointments be returned to the Governor, pursuant to his request, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HBs 302** and **38**, as amended, and has taken up and passed **CCS No. 2** for **SCS** for **HCS** for **HBs 302** and **38**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SS** for **SCS** for **HB 453**, as amended, and has taken up and passed **CCS No. 2** for **SS** for **SCS** for **HB 453**.

CONFERENCE COMMITTEE REPORTS

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HBs 302** and **38**, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 302 and 38

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 302 & 38 with Senate Amendment No. 1 and Senate Amendment No. 3, begs leave to report that we, after free and fair discussion of the differences between

the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill Nos. 302 & 38, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill Nos. 302 & 38;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 302 & 38, be adopted.

FOR THE SENATE:

/s/ Morris Westfall
/s/ Marvin Singleton
/s/ David Klarich
/s/ Ted House
/s/ Harold Caskey

FOR THE HOUSE:

/s/ Craig C. Hosmer
/s/ Phillip Britt
/s/ Gary Kelly
/s/ Robert Mayer
/s/ Sam Gaskill

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators

Bland	Johnson	Schneider--3
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Absent--Senators--None

Absent with leave--Senator Carter--1

On motion of Senator Westfall, **CCS No. 2** for **SCS** for **HCS** for **HBs 302** and **38**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 302 and 38

An Act to repeal sections 302.302, 302.304, 302.309, 302.505, 302.510, 302.520, 302.535, 302.540, 302.541, 479.500, 577.012, 577.021, 577.023, 577.037, 577.041, 577.600 and 577.602, RSMo 2000, relating to traffic offenses, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions, an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob

Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Bland	Johnson	Schneider--3	
	Absent--Senators--None		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 133, with **SCS**, introduced by Represen-tative Gambaro, entitled:

An Act to repeal sections 441.500, 441.510, 441.520, 441.550 and 441.590, RSMo 2000, relating to actions by community groups and housing corporations to abate derelict properties, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Yeckel.

SCS for **HB 133**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 133

An Act to repeal sections 441.500, 441.510, 441.520, 441.550, 441.590, 447.700 and 447.708, RSMo 2000, relating to property development, and to enact in lieu thereof eight new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 133** be adopted.

Senator Yeckel offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 133, Page 13, Section 447.708, Line 126, by striking the word "**shall**", and replacing in lieu thereof, the word "**may**".

Senator Yeckel moved that the above amendment be adopted, which motion prevailed.

Senator Yeckel moved that **SCS** for **HB 133**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 133**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Klindt	Westfall--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Yeckel, title to the bill was agreed to.

Senator Yeckel moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 48

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48 with House Substitute Amendment No. 2 for House Amendment No. 1, House Amendment No. 2, House Amendment No. 3, House Amendment No. 4, House Amendment No. 5 and House Amendment No. 6, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 48;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 48, be adopted.

FOR THE SENATE:

/s/ Betty Sims

/s/ Roseann Bentley

/s/ David J. Klarich

/s/ Sidney Johnson

/s/ Patrick Dougherty

FOR THE HOUSE:

/s/ Kate Hollingsworth

/s/ Phillip M. Britt

/s/ Marsha Campbell

/s/ Luann Ridgeway

/s/ Jason Crowell

Senator Sims moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		

NAYS--Senators--None

Absent--Senators

Bland	Klarich	Quick--3
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Absent with leave--Senator Carter--1

On motion of Senator Sims, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 48**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 48

An Act to repeal sections 210.001, 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930, 210.936, 453.073, 630.170 and 630.405, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to the family care safety registry, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall

Wiggins	Yeckel--30	
	NAYS--Senators--None	
	Absent--Senators	
Bland	Klarich	Quick--3
	Absent with leave--Senator Carter--1	

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 453**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2

ON SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 453

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Bill No. 453 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 10 and Senate Amendment No. 11, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 453, as amended;
2. That the House recede from its position on House Bill No. 453;
3. That the attached Conference Committee Substitute No. 2 for Senate Substitute for Senate Committee Substitute for House Bill No. 453, be adopted.

FOR THE SENATE:

/s/ Sarah Steelman
/s/ David J. Klarich
/s/ Chuck Gross
/s/ Jim Mathewson
/s/ Ed Quick

FOR THE HOUSE:

/s/ Bill Ransdall
/s/ Phil Smith
/s/ Denny Merideth
/s/ Bubs Hohulin
/s/ Rod Jetton

Senator Steelman moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich

Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Bland--1			
Absent with leave--Senator Carter--1			

On motion of Senator Steelman, **CCS No. 2** for **SS** for **SCS** for **HB 453**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 453

An Act to repeal sections 109.120, 109.241, 135.230, 292.606, 319.129, 319.131, 319.132, 319.133, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 444.765, 444.767, 444.770, 444.772, 444.773, 444.774, 444.775, 444.777, 444.778, 444.782, 444.784, 444.786, 444.787, 444.788 and 444.789, RSMo 2000, and to enact in lieu thereof thirty-seven new sections relating to commerce, with penalty provisions and an expiration date for certain sections.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Steelman, title to the bill was agreed to.

Senator Steelman moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Caskey moved that **SCS** for **SB 10**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SB 10**, as amended, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 10

An Act to repeal section 516.350, RSMo 2000, relating to division of benefits in dissolution of marriage judgments, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **HS** for **HCS** for **SCS** for **SB 10**, as amended, be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	NAYS--Senators--None		
	Absent--Senator Sims--1		
	Absent with leave--Senator Carter--1		

On motion of Senator Caskey, **HS** for **HCS** for **SCS** for **SB 10**, as amended, was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	
	NAYS--Senators--None		
	Absent--Senators		
Jacob	Sims--2		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SS** for **SCS** for **SB 351**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **SS** for **SCS** for **SB 351**, as amended. Representatives: Hosmer, Britt, McKenna, Burcham and Barnett.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **SS** for **SCS** for **SB 351**, as amended: Senators Singleton, Westfall, Bentley, Caskey and Johnson.

CONFERENCE COMMITTEE REPORTS

Senator Bland, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 266**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 266

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 266;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 266 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Mary Bland

/s/ Stephen Stoll

FOR THE HOUSE:

/s/ Joan Barry

/s/ Phil Smith

/s/ Sarah Steelman
/s/ Morris Westfall
/s/ Betty Sims

/s/ Harry Kennedy
/s/ Roy W. Holand
/s/ Shannon Cooper

Senator Bland moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Quick	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--27	

NAYS--Senators

Loudon Rohrbach--2

Absent--Senators

Bentley	Mathewson	Schneider	Scott--4
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Absent with leave--Senator Carter--1

On motion of Senator Bland, **CCS** for **HS** for **HCS** for **SCS** for **SB 266**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 266

An Act to repeal sections 198.531, 199.170, 199.180, 199.200, 701.322, 701.326 and 701.328, RSMo 2000, and to enact in lieu thereof twenty-two new sections relating to the department of health.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Mathewson	Quick
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators

Loudon Rohrbach--2

Absent--Senators

Schneider Scott--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Bland, title to the bill was agreed to.

Senator Bland moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SCS** for **SB 591**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 591**, as amended. Representatives: Hoppe, Clayton, Shoemyer, Legan and Black.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 591**, as amended: Senators Kenney, Cauthorn, Klindt, Wiggins and DePasco.

CONFERENCE COMMITTEE REPORTS

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS** for **SCS** for **SB 351**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 351

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 351 with House Amendment No. 1, House Amendment No. 2, House Amendment No. 3 and House Substitute Amendment No. 1 for House Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 351, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 351;
3. That the attached Conference Committee Substitute for House Substitute for Senate Substitute for Senate Committee

Substitute for Senate Bill No. 351, be adopted.

FOR THE SENATE:

/s/ Marvin Singleton
/s/ Morris Westfall
/s/ Roseann Bentley
/s/ Harold Caskey
/s/ Sidney Johnson

FOR THE HOUSE:

/s/ Phillip Britt
/s/ Craig Hosmer
/s/ Ryan McKenna
/s/ Rex Barnett
Tom Burcham

Senator Singleton moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bentley Schneider--2

Absent with leave--Senator Carter--1

President Pro Tem Kinder assumed the Chair.

On motion of Senator Singleton, **CCS** for **HS** for **SS** for **SCS** for **SB 351**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 351

An Act to repeal sections 50.550, 57.010, 57.020, 57.030, 217.305, 488.5336, 558.019, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180, 590.650 and 610.100, RSMo 2000, relating to peace officers, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Scott	Sims
Singleton	Staples	Steelman	Stoll

Westfall	Wiggins	Yeckel--31
	NAYS--Senators--None	
	Absent--Senators	
Russell	Schneider--2	
	Absent with leave--Senator Carter--1	

The President Pro Tem declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Photographers from KY-3 TV, the Post Dispatch, KONL-TV and KSDK-TV were given permission to take pictures in the Senate Chamber today.

Senator Klarich assumed the Chair.

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 617**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 617

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, with House Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 10, 11, 12, 13 and 15; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 617;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 617, be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Sarah Steelman
/s/ David J. Klarich
/s/ Bill Kenney
/s/ Ted House
/s/ John E. Scott

FOR THE HOUSE:

/s/ Henry Rizzo
May Scheve
/s/ Dennis Bonner
/s/ Richard Byrd
/s/ Merrill Townley

Senator Steelman moved that the above conference committee report be adopted.

Senator Jacob raised the point of order that **CCS** for **HS** for **HCS** for **SCS** for **SB 617** is out of order as the **CCS** exceeds the scope of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Gibbons assumed the Chair.

Senator Klarich assumed the Chair.

President Maxwell assumed the Chair.

A quorum was established by the following vote:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
Absent--Senators			
Johnson	Scott	Staples--3	
Absent with leave--Senator Carter--1			

Senator Jacob offered a substitute motion that the conference committee report on **HS** for **HCS** for **SCS** for **SB 617** be referred to the Committee on State Budget Control.

At the request of Senator Jacob, the substitute motion was withdrawn.

At the request of Senator Steelman, the motion to adopt the conference committee report was withdrawn.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 157** and has taken up and passed **CCS** for **SCS** for **HB 157**.

CONFERENCE COMMITTEE REPORTS

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 157**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 157

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 157, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies

as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 157;
2. That the House recede from its position on House Bill No. 157;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 157, be adopted.

FOR THE SENATE:

/s/ Roseann Bentley
/s/ Stephen Stoll
/s/ David J. Klarich
/s/ Doyle Childers
/s/ Anita Yeckel

FOR THE HOUSE:

/s/ Craig Hosmer
/s/ Phil Smith
/s/ Phillip Britt
/s/ William C. Linton
/s/ Michael Reid

Senator Bentley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Steelman
Stoll	Westfall	Wiggins	Yeckel--28
	NAYS--Senators--None		
	Absent--Senators		
House	Quick	Schneider	Singleton
Staples--5			
	Absent with leave--Senator Carter--1		

On motion of Senator Bentley, **CCS** for **SCS** for **HB 157**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 157

An Act to repeal sections 193.185, 451.022, 451.040, 451.080 and 451.130, RSMo 2000, relating to marriage, and to enact in lieu thereof five new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None
Absent--Senators
Singleton
Staples--2
Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Kenney moved that the Senate conferees on **HS** for **HCS** for **SCS** for **SB 591**, as amended, be allowed to exceed the differences on the livestock penalty provision, which motion prevailed.

On motion of Senator Kenney, the Senate recessed for 30 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

CONFERENCE COMMITTEE REPORTS

Senator Kinder, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HB 421**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 421

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421 with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421, as amended;
2. That the House recede from its position on House Substitute for House Bill No. 421;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421, be adopted.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Peter Kinder	/s/ Don Lograsso

/s/ Chuck Gross	/s/ Tom Dempsey
/s/ John Loudon	/s/ Thomas Hoppe
/s/ Ronnie DePasco	/s/ Bruce Holt
/s/ Harry Wiggins	/s/ Chuck Graham

Senator Kinder moved that the above conference committee report be adopted.

Senator Schneider offered the following substitute motion, which was read:

I move that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HB 421** and request the House grant a further conference and that the Senate conferees be instructed to retain the position of the Senate on Senate Amendment #1 which is attached hereto.

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421, Page 2, Section 537.053, Line 17 of said page, by striking the words "known to be" and inserting in lieu thereof the following: **"must be shown to be made by a person who knew or had reason to know that the recipient was a person"**; and further amend line 18 of said page, by striking the words "known to be" and inserting in lieu thereof the word **"was"**; and further amend said line, by inserting immediately after the word "intoxicated" the following: **", and"**; and further amend lines 21-23 of said page, by striking all of said lines and inserting in lieu thereof the following: **"intoxicated" when intoxicated to such an extent that such person's physical faculties are impaired to such a degree that it is obvious to a reasonably prudent person under the same or similar circumstances. A blood test or"**; and further amend line 24 of said page, by striking the word "result" and inserting in lieu thereof the following: **"indicating that a person's blood alcohol level is"**; and further amend lines 25-26 of said page, by striking the following: "of "obviously intoxicated" and inserting in lieu thereof the following: **"that a person is obviously intoxicated"**.

Senator Schneider moved that the above substitute motion be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1 TO THE SUBSTITUTE MOTION

Amend the Substitute Motion for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 421, by adding the following:

"That the Senate conferees be instructed to amend the Conference Committee Substitute by adding the following to section 537.053:

3. Notwithstanding subsections 1 and 2 of this section, a cause of action may be brought by or on behalf of any person who has suffered personal injury or death against any person licensed to sell intoxicating liquor by the drink for consumption on the premises [who, pursuant to section 311.310, RSMo, has been convicted, or has received a suspended imposition of the sentence arising from the conviction, of] **if the sale of such intoxicating liquor to a person under the age of twenty-one years or an obviously intoxicated person [if the sale of such intoxicating liquor] is the proximate cause of the personal injury or death sustained by such person. The sale of such intoxicating liquor must be shown to be made by a person who knew or should have known that the recipient was a person under the age of twenty-one years or was obviously intoxicated and must be proven by clear and convincing evidence; provided, however that if a seller of intoxicating liquor made reasonable efforts to ascertain that the recipient was not under the age of twenty-one years or obviously intoxicated, the seller shall have no liability pursuant to this section.**

4. **A blood test or breathalyzer test result which indicates that a person's blood alcohol level is at the legally recognized level of intoxication shall not be prima facie evidence that a person is obviously intoxicated."**

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Kinder, unanimous consent was granted for him to withdraw his motion to adopt the conference committee report on **SS** for **SCS** for **HS** for **HB 421**, as amended, rendering the substitute motion and the pending amendment moot.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HCS** for **HB 762**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 762**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 80**, as amended, and has taken up and passed **CCS** for **SCS** for **HB 80**.

Emergency clause adopted.

CONFERENCE COMMITTEE REPORTS

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 762**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 762

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762 with Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6 and Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 762;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 762, be adopted.

FOR THE SENATE:

/s/ Betty Sims

/s/ Roseann Bentley

/s/ Doyle Childers

/s/ Harry Wiggins

/s/ Mary Groves Bland

FOR THE HOUSE:

/s/ Joan Barry

/s/ Dennis Bonner

/s/ Harold R. Selby

/s/ Roy W. Holand

/s/ Cindy Ostmann

Senator Sims moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			

NAYS--Senators

Loudon Rohrbach--2

Absent--Senators

Bland Mathewson--2

Absent with leave--Senator Carter--1

On motion of Senator Sims, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 762**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 762

An Act to repeal sections 197.285, 208.151 and 376.1209, RSMo 2000, relating to women's health services, and to enact in lieu thereof five new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Mathewson	Quick	Russell
Schneider	Scott	Sims	Singleton

Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--30		
	NAYS--Senators		
Loudon	Rohrbach--2		
	Absent--Senator Klarich--1		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Senator Kenney, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 80**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 80

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 80 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, Senate Amendment No. 4, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 10, Senate Amendment No. 12, Senate Amendment No. 13 and Senate Amendment No. 14, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 80, as amended;
2. That the House recede from its position on House Bill No. 80;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 80, be adopted.

FOR THE SENATE:

/s/ Bill Kenney
/s/ David J. Klarich
/s/ Ronnie DePasco
/s/ Jim Mathewson
/s/ John Loudon

FOR THE HOUSE:

/s/ William W. Gratz
/s/ Phil Smith
/s/ Gary Kelly
/s/ Carson Ross
/s/ Annie Reinhart

Senator Kenney moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach

Russell	Scott	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--29			
	NAYS--Senators--None		
	Absent--Senators		
Bland	Mathewson	Schneider	Sims--4
	Absent with leave--Senator Carter--1		

On motion of Senator Kenney, **CCS** for **SCS** for **HB 80**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 80

An Act to repeal sections 32.056, 57.010, 57.020, 57.030, 94.577, 488.5336, 544.170, 570.120, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180 and 590.650, RSMo 2000, and to enact in lieu thereof forty-eight new sections relating to law enforcement, with penalty provisions and emergency clauses.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following:

YEAS--Senators

Bentley Bland Caskey Cauthorn

Childers DePasco Dougherty Foster

Gibbons Goode Gross House

Jacob Johnson Kenney Kinder

Klarich Klindt Loudon Mathewson

Quick Rohrbach Russell Scott

Sims Singleton Staples Steelman

Stoll Westfall Wiggins Yeckel--32

NAYS--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senator Carter--1

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 185, with **SCS**, introduced by Represen-tative Legan, et al, entitled:

An Act to repeal sections 64.170, 64.180, 64.190 and 64.205, RSMo 2000, relating to building regulations in certain counties, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Rohrbach.

SCS for **HB 185**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 185

An Act to repeal sections 64.170, 64.180, 64.190 and 64.205, RSMo 2000, relating to building regulations in certain counties, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **HB 185** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **HB 185**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 185

An Act to repeal sections 64.170, 64.180 and 64.342, RSMo 2000, relating to building codes in certain counties, and to enact in lieu thereof six new sections relating to the same subject.

Senator Rohrbach moved that **SS** for **SCS** for **HB 185** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SS** for **SCS** for **HB 185** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senators--None

Absent--Senator Dougherty--1

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **HCS** for **HB 780**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Kenney moved that **SS** for **SCS** for **HCS** for **HB 780**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Kenney requested unanimous consent of the Senate to suspend the rules for the purpose of offering a perfecting amendment, which request was granted.

Senator Kenney offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Amendment No. 10 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 780, Page 1, by striking everything above line 11 of said page and inserting in lieu thereof the following: "Amend SS/SCS/HCS/House Bill No. 780, Page 57, Section 135.200,".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SCS** for **HCS** for **HB 780**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
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Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
	NAYS--Senators		
Goode	Jacob	Quick	Rohrbach
Singleton	Westfall--6		
	Absent--Senators--None		
	Absent with leave--Senator Carter--1		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--27	
	NAYS--Senators		
Goode	Jacob	Quick	Rohrbach
Westfall--5			
	Absent--Senator Schneider--1		
	Absent with leave--Senator Carter--1		

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 236**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT NO. 2 ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 236

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, with House

Amendments Nos. 1, 2, 3, 4, 5, 6, House Substitute Amendment No. 1 for House Amendment No. 7, House Amendments Nos. 8, 11, 12, 13 and House Substitute Amendment No. 1 for House Amendment No. 14; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236, as amended;
- 2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 236;
- 3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 236 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Betty Sims
/s/ Roseann Bentley
/s/ Sarah Steelman
/s/ Jim Mathewson
/s/ Sidney Johnson

FOR THE HOUSE:

/s/ Lana Ladd Baker
/s/ Dr. Charles Portwood
/s/ Mark Abel
/s/ Timothy Harlan
/s/ Charles Shields

Senator Sims moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
NAYS--Senators--None			
Absent--Senator Schneider--1			
Absent with leave--Senator Carter--1			

On motion of Senator Sims, **CCS No. 2** for **HS** for **HCS** for **SCS** for **SB 236**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 236

An Act to repeal sections 208.028, 208.029, 208.040, 453.005, 453.072 and 453.170, RSMo 2000, relating to children and families, and to enact in lieu thereof nine new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Caskey	Cauthorn

Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Goode moved that **SS** for **SCS** for **SB 226**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SB 226**, as amended, entitled:

HOUSE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 226

An Act to amend chapters 192 and 196, RSMo, by adding thereto six new sections relating to enhancement of public health programs.

Was taken up.

Senator Klarich assumed the Chair.

Senator Goode moved that **HS** for **HCS** for **SS** for **SCS** for **SB 226**, as amended, be adopted.

At the request of Senator Goode, the above motion was withdrawn.

Senator Gross assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Kenney, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 591**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, with House Amendments Nos. 1 and 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 591;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591 be Truly Agreed To and Finally Passed.

FOR THE SENATE:

/s/ Bill Kenney
/s/ John Cauthorn
/s/ David G. Klindt
/s/ Harry Wiggins
/s/ Ronnie DePasco

FOR THE HOUSE:

/s/ Thomas Hoppe
Robert Clayton
Wes Shoemyer
/s/ Ken Legan
/s/ Lanie Black

Senator Kenney moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	

NAYS--Senator Bland--1

Absent--Senator Yeckel--1

Absent with leave--Senator Carter--1

On motion of Senator Kenney, **CCS** for **HS** for **HCS** for **SCS** for **SB 591**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 591

An Act to repeal sections 204.300, 204.370, 250.236, 277.203, 277.212 and 277.215, RSMo 2000, relating to political subdivisions, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause and penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	

NAYS--Senators--None

Absent--Senators

Russell Yeckel--2

Absent with leave--Senator Carter--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Goode Mathewson--2

Absent with leave--Senator Carter--1

On motion of Senator Kenney, title to the bill was agreed to.

Senator Kenney moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HB 70, with **SCA 1**, introduced by Represen-tative Koller, entitled:

An Act to repeal section 302.020, RSMo 2000, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion failed.

At the request of Senator Staples, **HB 70** was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Steelman moved that the Senate request the House to grant further conference on **HS** for **HCS** for **SCS** for **SB 617**, as amended, and that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Steelman moved that the conference be dissolved on **HS** for **HCS** for **SB 365**, as amended, and the bill brought up for 3rd reading and final passage.

At the request of Senator Steelman, the above motion was withdrawn.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 471**, as amended and has taken up and passed **CCS** for **SCS** for **HB 471**.

CONFERENCE COMMITTEE REPORTS

Senator Wiggins, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 471**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 471

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 471 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 471, as amended;
2. That the House recede from its position on House Bill No. 471;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 471 be adopted.

FOR THE SENATE:

/s/ Morris Westfall

/s/ Harry Wiggins

FOR THE HOUSE:

/s/ Cathy Jolly

/s/ Rick Johnson

/s/ Bill Kenney
/s/ Anita Yeckel
/s/ John Schneider

/s/ Robert M. Clayton
/s/ Don Lograsso
/s/ Delbert Scott

Senator Wiggins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel--31	

NAYS--Senators--None

Absent--Senators

Bland Mathewson--2

Absent with leave--Senator Carter--1

On motion of Senator Wiggins, **CCS** for **SCS** for **HB 471**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 471

An Act to repeal sections 195.010, 195.017, 195.070, 195.222, 195.223, 195.235, 195.246, 195.400 and 570.030, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to drug trafficking, with penalty provisions.

Was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

NAYS--Senators--None

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427 and 62**, entitled:

An Act to repeal sections 28.160, 115.013, 115.081, 115.083, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.225, 115.237, 115.433, 115.453, 115.493, 115.613, 347.740, 351.127, 355.023, 356.233, 359.653 and 417.018, RSMo 2000, relating to elections, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with a penalty provision.

With House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 2.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, Page 14, Section 115.101, Line 24, by inserting after all of said line the following:

"115.133. 1. Except as provided in subsection 2 of this section, any citizen of the United States who is a resident of the state of Missouri and seventeen years and six months of age or older shall be entitled to register and to vote in any election which is held on or after his eighteenth birthday.

2. No person who is adjudged incapacitated shall be entitled to register or vote. No person shall be entitled to **register or** vote:

(1) While confined under a sentence of imprisonment;

(2) While on probation or parole after conviction of a felony, until finally discharged from such probation or parole; or

(3) After conviction of a felony or misdemeanor connected with the right of suffrage.

3. No person shall be entitled to vote if the person has not registered to vote in the jurisdiction of his or her residence prior to the deadline to register to vote.

115.135. 1. Any person who is qualified to vote, or who shall become qualified to vote on or before the day of election, shall be entitled to register in the jurisdiction within which he or she resides. In order to vote in any election for which registration is required, a person must be registered **to vote in the jurisdiction of his or her residence** no later than 5:00 p.m., or the normal closing time of any public building where the registration is being held if such time is later than 5:00 p.m., on the fourth Wednesday prior to the election. In no case shall registration for an election extend beyond 10:00 p.m. on the fourth Wednesday prior to the election. Any person registering after such date shall be eligible to vote in subsequent elections.

2. A person applying to register with an election authority or a deputy registration official shall present a valid Missouri drivers license or other form of personal identification at the time of registration.

115.137. 1. Except as provided in subsection 2 of this section, any citizen who is entitled to register and vote shall be entitled to register for and vote **pursuant to the provisions of this chapter** in all statewide public elections and all public elections held for districts and political subdivisions within which he resides.

2. Any person who and only persons who fulfill the ownership requirements shall be entitled to vote in elections for

which ownership of real property is required by law for voting."; and

Further amend said bill, Page 14, Section 115.101, Line 24, by inserting after all of said line the following:

- "115.151. 1. Each qualified applicant who appears before the election authority shall be deemed registered as of the time the applicant's completed, signed and sworn registration application is witnessed by the election authority or deputy registration official.
2. Each applicant who registers by mail shall be deemed to be registered as of the date the application is postmarked, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service.
3. Each applicant who registers at a voter registration agency or the division of motor vehicle and drivers licensing of the department of revenue shall be deemed to be registered as of the date the application is signed by the applicant, if such application is accepted and not rejected by the election authority and the verification notice required pursuant to section 115.155 is not returned as undeliverable by the postal service. **Voter registration agencies and the division of motor vehicle and driver licensing of the department of revenue shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant.**

115.155. 1. The election authority shall provide for the registration of each voter. Each application shall be in substantially the following form:

APPLICATION FOR REGISTRATION

.....

Township (or Ward)

.....

Name Precinct

.....

Home Address Required Personal

Identification Information

.....

City ZIP

.....

Date of Birth Place of Birth

(Optional)

.....

Telephone Number Mother's Maiden Name

(Optional) (Optional)

.....

Occupation (Optional) Last Place Previously

Registered

.....

Last four digits of Under What Name

Social Security Number

(Required for registration

unless no Social Security

number exists for Applicant)

Remarks:

.....

When

I am a citizen of the United States and a resident of the state of Missouri. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I do solemnly swear that all statements made on this card are true to the best of my knowledge and belief.

.....

Signature of Voter Date

.....

Signature of Election Official

2. After supplying all information necessary for the registration records, each applicant who appears in person before the election authority shall swear or affirm the statements on the registration application by signing his or her full name, witnessed by the signature of the election authority or such authority's deputy registration official. Each applicant who applies to register by mail pursuant to section 115.159, or pursuant to the provisions of section 115.160 or 115.162, shall attest to the statements on the application by his or her signature.

3. Upon receipt by mail of a completed and signed voter registration application, a voter registration application forwarded by the division of motor vehicle and drivers licensing of the department of revenue pursuant to section 115.160, or a voter registration agency pursuant to section 115.162, the election authority shall, if satisfied that the applicant is entitled to register, transfer all data necessary for the registration records from the application to its registration system. Within seven business days after receiving the application, the election authority shall send the applicant a verification notice. If such notice is returned as undeliverable by the postal service within the time established by the election authority, the election authority shall not place the applicant's name on the voter registration file.

4. If, upon receipt by mail of a voter registration application or a voter registration application forwarded pursuant to section 115.160 or 115.162, the election authority determines that the applicant is not entitled to register, such authority shall, within seven business days after receiving the application, so notify the applicant by mail and state the reason such authority has determined the applicant is not qualified. The applicant may have such determination reviewed pursuant to the provisions of section 115.223.

5. It shall be the responsibility of the secretary of state to prescribe specifications for voter registration documents so that they are uniform throughout the state of Missouri and comply with the National Voter Registration Act of 1993, including the reporting requirements, and so that registrations, name changes and transfers of registrations within the state may take place as allowed by law. **The secretary of state shall design numbered voter registration documents and a distribution system so that each application to register to vote can be traced to the person originally receiving the application from the secretary of state or election authority. The secretary of state shall ensure that each application to register to vote contains a form that can be detached from the application to register to vote, and provided to the voter registration applicant by the person providing the application, which indicates:**

- (1) **That the applicant is not registered to vote until he or she receives notice from the election authority;**
- (2) **The procedures to follow if the applicant does not receive a notification that the application has been accepted;**
- (3) **The number of the application that has been assigned pursuant to this subsection;**
- (4) **Information on application procedures for an absentee ballot; and**
- (5) **Pollworker recruitment information.**

The secretary of state shall design a request form for any person who requests from the secretary of state or election authority voter registration applications for distribution. Such request form shall include the requester's name, address and telephone number.

6. All voter registration applications shall be preserved in the office of the election authority.

115.157. **1.** The election authority may place all information on any registration cards in computerized form in accordance with subsection 2 of section 115.158. No election authority or secretary of state shall furnish to any member of the public electronic media or printout showing any registration information, except as provided in this section. **Except as provided in subsection 2 of this section,** the election authority or secretary of state shall make available electronic media or printouts showing unique voter identification numbers, voters' names, dates of birth, addresses, townships or wards, and precincts. Electronic data shall be maintained in at least the following separate fields:

- (1) Voter identification number;
- (2) First name;
- (3) Middle initial;
- (4) Last name;
- (5) Suffix;
- (6) Street number;
- (7) Street direction;
- (8) Street name;
- (9) Street suffix;
- (10) Apartment number;
- (11) City;

- (12) State;
- (13) Zip code;
- (14) Township;
- (15) Ward;
- (16) Precinct;
- (17) Senatorial district;
- (18) Representative district;
- (19) Congressional district.

All election authorities shall enter voter history in their computerized registration systems and shall, not more than six months after the election, forward such data to the centralized voter registration system established in section 115.158. **Except as provided in subsection 2 of this section,** the election authority shall also furnish, for a fee, electronic media or a printout showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that nothing in this chapter shall require such voter information to be released to the public over the Internet. The amount of fees charged for information provided in this section shall be established pursuant to chapter 610, RSMo. All revenues collected by the secretary of state pursuant to this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account established pursuant to section 28.160, RSMo. In even-numbered years, each election authority shall, upon request, supply the voter registration list for its jurisdiction to all candidates and party committees for a charge established pursuant to chapter 610, RSMo. **Except as provided in subsection 2 of this section,** all election authorities shall make the information described in this section available pursuant to chapter 610, RSMo. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.

2. Any peace officer as defined in subsection 4 of section 590.100, RSMo, any person working as an undercover officer of a law enforcement agency of this state, agents of a federal law enforcement agency, persons in witness protection programs and victims of domestic violence and abuse who have received orders of protection pursuant to chapter 455, RSMo, shall be entitled to apply to the circuit court having jurisdiction in his or her county of residence to have the residential address on his or her voter registration records closed to the public if the release of such information could endanger the safety of the person. Any person working as an undercover agent or in a witness protection program shall also submit a statement from the chief executive officer, as defined in subsection 2 of section 590.100, RSMo, of the agency under whose direction he or she is serving. The petition to close the residential address shall be incorporated into any petition for protective order provided by circuit clerks pursuant to chapter 455, RSMo. If satisfied that the person filing the petition meets the qualifications of this subsection, the circuit court shall issue an order to the election authority to keep the residential address of the voter a closed record and the address may be used only for the purposes of administering elections pursuant to this chapter. The election authority may require the voter who has a closed residential address record to verify that his or her residential address has not changed or to file a change of address and to affirm that the reasons contained in the original petition are still accurate prior to receiving a ballot. A change of address within an election authority's jurisdiction shall not require that the voter file a new petition. Any voter who no longer qualifies pursuant to this subsection to have his or her residential address as a closed record shall notify the circuit court. Upon such notification, the circuit court shall void the order closing the residential address and so notify the election authority.

115.160. 1. All Missouri driver's license applicants shall receive a voter registration application form as a simultaneous part of the application for a driver's license, renewal of driver's license, change of address, duplicate request and a nondriver's license.

2. If a single application form is used, the voter registration application portion of any application described in subsection 1 of this section may not require any information that duplicates information required in the driver's license portion of the form, except a second signature or other information required by law.

3. After conferring with the secretary of state as the chief state election official responsible for overseeing of the voter registration process, the director of revenue shall adopt rules and regulations pertaining to the format of the voter registration application used by the department.

4. No information relating to the failure of an applicant for a driver's license or nondriver's license to sign a voter registration application may be used for any purpose other than voter registration.

5. Any voter registration application received pursuant to the provisions of this section shall be forwarded to the election authority located within that county or any city not within a county, or if there is more than one election authority within the county, then to the election authority located nearest to the location where the driver's license application was received. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority.

6. A completed voter registration application accepted in the driver's licensing process shall be transmitted to the election authority described in subsection 5 of this section [not later than ten days after the date of acceptance or if the voter registration application is accepted within five days before the last day for registration to vote in an election, the application shall be transmitted to the election authority described in subsection 5 of this section] not later than five **business** days after the [date of acceptance] **form is completed by the applicant.**

115.162. 1. A voter registration application shall be provided by the secretary of state in all offices of the state that provide public assistance, all offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, and other offices as directed by the governor. In addition all armed forces recruitment offices shall be considered a voter registration agency.

2. At each voter registration agency, the following services shall be made available:

(1) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance;

(2) Acceptance of completed voter registration application forms for transmittal to the election authority located in the same county or any city not within a county, or if there is more than one election authority within the county, to the election authority nearest to the office of the agency. The election authority receiving the application forms shall review the applications and forward any applications pertaining to a different election authority to that election authority[. Forms shall be transmitted as soon as possible and according to dates established by the state election authority];

(3) **Voter registration sites shall transmit voter registration application forms to the appropriate election authority not later than five business days after the form is completed by the applicant.**

(4) If a voter registration agency provides services to a person with a disability at the person's home, the agency shall provide the services provided in this section at the person's home.

3. An applicant declining to register in any agency shall be noted in a declination section incorporated into the voter registration form used by the agency. No information relating to a declination to register to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter registration.

[4. Subject to the approval of the secretary of state, the voter registration agency shall adopt rules and regulations pertaining to the format of a voter registration application to be used by that agency.]"; and

Further amend said bill, Page 21, Section 115.237, Line 6, by inserting after all of said line the following:

"115.277. 1. Except as provided in subsections 3, 4 and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

- (1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;
- (2) Incapacity or confinement due to illness or physical disability;
- (3) Religious belief or practice;
- (4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;
- (5) Incarceration, provided all qualifications for voting are retained; **or**

(6) A person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability.

2. Any person in federal service, as defined in section 115.275, who is eligible to register and vote in any election in this state may vote in the election even if the person is not registered. Each person in federal service may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident, as defined in section 115.275, may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident, as defined in section 115.275, may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the [second] **first** degree by consanguinity or affinity. The election authority [may] **shall** accept applications by facsimile transmission [at its discretion and] within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which political party ballot he or she wishes to receive. If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.

3. All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot received in the office of the election authority by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority, except as provided in subsections 6, 8 and 9 of this

section.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to the provisions of this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application.

6. An application for an absentee ballot by a new resident, as defined in section 115.275, shall be submitted in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or any authorized officer of the election authority, and in substantially the following form:

"STATE OF

COUNTY OF, ss.

I,, do solemnly swear that:

(1) Before becoming a resident of this state, I resided at (residence address) in (town, township, village or city) of County in the state of

(2) I moved to this state after the last day to register to vote in such general presidential election and I am now residing in the county of, state of Missouri;

(3) I believe I am entitled pursuant to the laws of this state to vote in the presidential election to be held November, (year);

(4) I hereby make application for a presidential and vice presidential ballot. I have not voted and shall not vote other than by this ballot at such election.

Signed

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this day of,

Signed

(Title and name of officer authorized to administer oaths)"

7. The election authority in whose office an application is filed pursuant to subsection 6 of this section shall immediately send a duplicate of such application to the appropriate official of the state in which the new resident applicant last resided and shall file the original of such application in its office.

8. An application for an absentee ballot by an intrastate new resident, as defined in section 115.275, shall be made in person by the applicant in the office of the election authority in the election jurisdiction in which such applicant resides. The application shall be received by the election authority no later than 7:00 p.m. on the day of the election. Such application shall be in the form of an affidavit, executed in duplicate in the presence of the election authority or an authorized officer of the election authority, and in substantially the following form:

"STATE OF

COUNTY OF, ss.

I,, do solemnly swear that:

- (1) Before becoming a resident of this election jurisdiction, I resided at (residence address) in (town, township, village or city) of county in the state of
- (2) I moved to this election jurisdiction after the last day to register to vote in such election;
- (3) I believe I am entitled pursuant to the laws of this state to vote in the election to be held (date);
- (4) I hereby make application for an absentee ballot for candidates and issues on which I am entitled to vote pursuant to the laws of this state. I have not voted and shall not vote other than by this ballot at such election.

Signed

(Applicant)

.....

(Residence Address)

Subscribed and sworn to before me this day of,

Signed

(Title and name of officer authorized to administer oaths)"

9. An application for an absentee ballot by an interstate former resident, as defined in section 115.275, shall be received in the office of the election authority where the applicant was formerly registered by 5:00 p.m. on the Wednesday immediately prior to the election, unless the application is made in person by the applicant in the office of the election authority, in which case, such application shall be made no later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), a registered voter of County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am registered;

..... incapacity or confinement due to illness or physical disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications for voting;

..... caring for a person who is incapacitated or confined due to illness or disability.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....

Signature of Voter Signature of Person

Assisting Voter

(if applicable)

..... Subscribed and sworn to

..... before me this day

Address of Voter of,

.....

.....

Mailing addresses Signature of notary or

(if different) other officer authorized

to administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4 [or], 5 **or** 6 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of.....

I, (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

(1) I am a resident of the state of Missouri and (check one):

..... am a member of the U.S. armed forces in active service;

..... am an active member of the U.S. merchant marine;

..... am a civilian employee of the U.S. government working outside the United States;

..... am an active member of a religious or welfare organization assisting servicemen;

..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;

..... am a spouse or dependent of one of the above;

..... am a registered voter in County and moved from that county to County, Missouri, after the last day to register to vote in this election.

OR (check if applicable)

(2) I am an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors. I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

..... Subscribed to and sworn Signature of Voter before me this day

of,

.....

.....

Address of Voter Signature of notary or

other officer authorized

to administer oaths

.....

.....

Mailing Address

(if different)

.....

Signature of Person Address of Last Missouri

Assisting Voter Residence

(if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri

County (City) of

I, (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am directed to vote;

..... incapacity or confinement due to illness or physical disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications of voting;

..... caring for a person who is incapacitated or confined due to illness or disability.

I hereby state under penalties of perjury that I own property in the district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

..... Subscribed and sworn to

Signature of Voter before me this

day of,

.....

.....

Address Signature of notary or

other officer authorized

to administer oaths

.....

Signature of Person

Assisting Voter

(if applicable)

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance:

ASSISTING PERSON SIGN HERE

1. (signature of assisting person)
2. (assisting person's name printed)
3. (assisting person's residence)
4. (assisting person's home city or town).

6. Notwithstanding any other provision of this section, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

7. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to [illness or physical disability] **the reasons established pursuant to subdivisions (2) and (6) of subsection 1 of section 115.277.**"; and

Further amend said bill, Page 28, Section 115.613, Line 17, by inserting after all of said line the following:

"115.637. The following offenses, and any others specifically so described by law, shall be class four election offenses and are deemed misdemeanors not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more than one year or by a fine of not more than two thousand five hundred dollars or by both such imprisonment and fine:

- (1) Stealing or willfully concealing, defacing, mutilating, or destroying any sample ballots that may be furnished by an organization or individual at or near any voting place on election day, except that this subdivision shall not be construed so as to interfere with the right of an individual voter to erase or cause to be erased on a sample ballot the name of any candidate and substituting the name of the person for whom he intends to vote; or to dispose of the received sample ballot;
- (2) Printing, circulating, or causing to be printed or circulated, any false and fraudulent sample ballots which appear on their face to be designed as a fraud upon voters;
- (3) Purposefully giving a printed or written sample ballot to any qualified voter which is intended to mislead the voter;
- (4) On the part of any candidate for election to any office of honor, trust, or profit, offering or promising to discharge the duties of such office for a less sum than the salary, fees, or emoluments as fixed by law or promising to pay back or donate to any public or private interest any portion of such salary, fees, or emolument as an inducement to voters;
- (5) On the part of any canvasser appointed to canvass any registration list, willfully failing to appear, refusing to

continue, or abandoning such canvass or willfully neglecting to perform his duties in making such canvass or willfully neglecting any duties lawfully assigned to him;

(6) On the part of any employer, making, enforcing, or attempting to enforce any order, rule, or regulation or adopting any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination to, election to, or the holding of, political office, holding a position as a member of a political committee, soliciting or receiving funds for political purpose, acting as chairman or participating in a political convention, assuming the conduct of any political campaign, signing, or subscribing his name to any initiative, referendum, or recall petition, or any other petition circulated pursuant to law;

(7) On the part of any person authorized or employed to print official ballots, or any person employed in printing ballots, giving, delivering, or knowingly permitting to be taken any ballot to or by any person other than the official under whose direction the ballots are being printed, any ballot in any form other than that prescribed by law, or with unauthorized names, with names misspelled, or with the names of candidates arranged in any way other than that authorized by law;

(8) On the part of any election authority or official charged by law with the duty of distributing the printed ballots, or any person acting on his behalf, knowingly distributing or causing to be distributed any ballot in any manner other than that prescribed by law;

(9) Any person having in his possession any official ballot, except in the performance of his duty as an election authority or official, or in the act of exercising his individual voting privilege;

(10) Willfully mutilating, defacing, or altering any ballot before it is delivered to a voter;

(11) On the part of any election judge, willfully absenting himself from the polls on election day without good cause or willfully detaining any election material or equipment and not causing it to be produced at the voting place at the opening of the polls or within fifteen minutes thereafter;

(12) On the part of any election authority or official, willfully neglecting, refusing, or omitting to perform any duty required of him by law with respect to holding and conducting an election, receiving and counting out the ballots, or making proper returns;

(13) On the part of any election judge, or party watcher or challenger, furnishing any information tending in any way to show the state of the count to any other person prior to the closing of the polls;

(14) On the part of any voter, except as otherwise provided by law, allowing his ballot to be seen by any person with the intent of letting it be known how he is about to vote or has voted, or knowingly making a false statement as to his inability to mark his ballot;

(15) On the part of any election judge, disclosing to any person the name of any candidate for whom a voter has voted;

(16) Interfering, or attempting to interfere, with any voter inside a polling place;

(17) On the part of any person at any registration site, polling place, counting location or verification location, causing any breach of the peace or engaging in disorderly conduct, violence, or threats of violence whereby such registration, election, count or verification is impeded or interfered with;

(18) Exit polling, surveying, sampling, electioneering, distributing election literature, posting signs or placing vehicles bearing signs with respect to any candidate or question to be voted on at an election on election day inside the building in which a polling place is located or within [twenty-five] **fifty** feet of the building's outer door closest to the polling place, or, on the part of any person, refusing to remove or permit removal from property owned or controlled by him, any such election sign or literature located within such distance on such day after request for removal by any person."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, Page 2, Section A, Line 3, by inserting after all of said line the following:

"21.110. If the governor receives any resignation or notice of vacancy, or if he **or she** is satisfied of the death of any member of either house, [during the recess], he **or she** shall, [without delay] **within thirty days of the resignation or death of such member**, issue a writ of election to supply the vacancy."; and

Further amend said title, enacting clause and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants further conference on **HS** for **HCS** for **SCS** for **SB 617** as amended and the conferees be allowed to exceed the differences.

HOUSE BILLS ON THIRD READING

HS for **HB 882**, with **SCS**, entitled:

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo 2000, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Singleton.

SCS for **HS** for **HB 882**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 882

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo 2000, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Singleton moved that **SCS** for **HS** for **HB 882** be adopted.

Senator Singleton offered **SS** for **SCS** for **HS** for **HB 882**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 882

An Act to repeal sections 313.500, 313.510, 313.520, 313.530, 313.540, 313.550, 313.560, 313.580, 313.590, 313.600, 313.605, 313.610, 313.620, 313.630, 313.631, 313.632, 313.640, 313.652, 313.655, 313.660, 313.670, 313.710 and 313.720, RSMo 2000, relating to horse racing and pari-mutuel wagering, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Senator Singleton moved that **SS** for **SCS** for **HS** for **HB 882** be adopted.

At the request of Senator Singleton, **HS** for **HB 882**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Yeckel moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427 and 62**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Singleton moved that **HS** for **HB 882**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HS** for **HB 882** was again taken up.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 882, Page 20, Section 313.585, Line 27, by adding after the period on said line the following: "Such waiver, suspensions or modification shall be made only after a public hearing and the commission finds that such action is not in violation of any of the provisions of this act.".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 882, Page 42, Section 313.720, Line 2, by adding after said line the following:

"313.730. 1. The provisions of this act shall be submitted to the qualified voters of this state, for adoption or rejection, at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2002.

2. No license to conduct pari-mutual wagering on horse racing, either live or by simulcast, in a city or county shall be issued unless and until the qualified voters of the city or county approve such activities pursuant to this subsection. The question shall be submitted to the qualified voters of the city or county at a general, primary or special election upon the motion of the governing body of the city or county or upon the petition of fifteen percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of allow the licensing of pari-mutual wagering on horse racing, either live or by

simulcast, as provided by Missouri gaming law in the city (county)?

YES NO

If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the commission may issue a license in compliance with existing state laws and regulations. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the commission shall not issue a license. No local option question shall be submitted to the qualified voters of the city or county for at least two years from the date such question was previously rejected.

Any future statute, rule or regulation which would allow a licenses holder to expand the types, forms or methods of wagering or gaming not allowed at the time of the local ballot question adoption, shall be submitted to the qualified voters of the city or county before such statute, rule or regulation may expand the types, forms or methods of wagering or gaming.

3. Any local cities or counties which have approved pari-mutual racing on horse racing shall resubmit said question for the revocation of said approval upon the petition of ten percent of the qualified voters of the city or county determined on the basis of the number of votes cast for governor in the city or county at the last election held prior to the filing of the petition. The question shall be submitted in substantially the following form:

Shall the City (County) of revoke the licensing of pari-mutual wagering on horse racing, either live or by simulcast, as provided by Missouri gaming law in the city (county)?

YES NO

Any license affected by the revocation of a local option question shall be revoked at the end of the licensing period or within one year from the time of the election in which said revocation was adopted by the voters. Nothing in this section shall limit any regulatory agency of its authority to limit, condition, restrict, revoke, or suspend a license pursuant to chapter 313, RSMo."

Senator Loudon moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Singleton, **HS** for **HB 882**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SCS** for **SB 226**, as amended, and request the House to recede from its position and take up and pass the bill, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 89** and **37**, entitled:

An Act to repeal sections 160.261, 195.010, 195.235, 195.246, 287.780 and 570.030, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to drug offenses, with penalty provisions.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 89 and 37, Page 33, Section 287.780, Line 2, by deleting all of said section; and

Further amend said bill, page 38, Section 537.605, lines 13-21, by deleting said section; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 89 and 37, Page 6, Section 160.261, Line 22, by deleting said line and inserting in lieu thereof the following: "**state law, acts of school violence or threatened acts of school violence, within the**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427 and 62** and grants the Senate a conference thereon.

Conferees: Bartelsmeyer, Long, Siegfried, Farnen and Smith.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427 and 62**, as amended: Senators Yeckel, Kenney, Klarich, Wiggins and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SCS** for **SB 617**, as amended: Senators Steelman, Klarich, Kenney, House and Scott.

PRIVILEGED MOTIONS

Senator Kinder moved that **SS** for **SCS** for **SBs 89 and 37**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SS** for **SCS** for **SBs 89 and 37**, as amended, entitled:

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 89 and 37

An Act to repeal sections 160.261, 195.010, 195.235, 195.246, 287.780 and 570.030, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to drug offenses, with penalty provisions.

Was taken up.

Senator Kinder moved that **HS** for **HCS** for **SS** for **SCS** for **SBs 89 and 37**, as amended, be adopted, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins--31	

NAYS--Senators--None

Absent--Senators

Mathewson Yeckel--2

Absent with leave--Senator Carter--1

On motion of Senator Kinder, **HS** for **HCS** for **SS** for **SCS** for **SBs 89** and **37**, as amended, was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel--32

NAYS--Senator Singleton--1

Absent--Senators--None

Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Goode moved that **SB 470**, with **HCA 1**, **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

Senator Goode moved that the rules be suspended and that **HCA 1**, **HA 1** and **HA 2** be adopted, and **SB 470**, as amended, be read the 3rd time and finally passed, all in one vote, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples

NAYS--Senators--None
Absent--Senators--None
Absent with leave--Senator Carter--1

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SBs 476, 427 and 62**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 476, 427 and 62

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, with House Substitute Amendment No. 1 for House Amendment No. 1 and House Amendment No. 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, as amended;
2. That the attached Conference Committee Amendment No. 1 be adopted;
3. That Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 & 62, with Conference Committee Amendment No. 1, be Truly Agreed To and Finally Passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Anita Yeckel	/s/ James Seigfreid
/s/ David J. Klarich	/s/ Beth Long
/s/ Bill Kenney	/s/ Linda Bartelsmeyer
/s/ Stephen Stoll	Ted Farnen
/s/ Harry Wiggins	Philip Smith

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 476, 427 and 62, Pages 5-6, Section 115.027, by striking all of said section from the bill; and

Further amend said bill, Pages 10-11, Section 115.126, by striking all of said section from the bill; and

Further amend said bill, Pages 33-34, Section 115.349, by striking all of said section from the bill; and

Further amend said bill, Pages 44-45, Section 115.637, Lines 80-83, by striking all of the bold-faced language from said lines; and

Further amend said bill, Page 48, Section 1, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Yeckel moved that the rules be suspended to adopt the conference committee report and pass the bill in one motion.

Senator Scott raised the point of order that session is concluded because it is past 6:00 p.m.

The point of order was referred to the President Pro Tem, who ruled it well taken.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SB 486** and **SB 422**, entitled:

An Act to repeal sections 34.140, 67.582, 190.044, 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.160, 190.165, 190.171, 190.175, 190.185, 190.196, 197.300, 197.305, 197.310, 197.312, 197.314, 197.315, 197.316, 197.317, 197.318, 197.320, 197.325, 197.326, 197.327, 197.330, 197.335, 197.340, 197.345, 197.355, 197.357, 197.366, 197.367, 292.606, 320.091, 321.130, 321.190, 321.300, 321.703 and 355.066, RSMo 2000, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session, and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, relating to the provision of emergency services, and to enact in lieu thereof fifty-six new sections relating to the same subject, with penalty provisions, with an emergency clause.

With House Amendments Nos. 1, 2, 3, 4, 5, 7, 8, 10, 11 and 12.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 5, Section 67.582, Line 16, by deleting the words "**or fire protection**"; and

Further amend said bill, Page 50, Section 190.109, Lines 21 to 24 of said page, by deleting all of said lines; and

Further amend said bill, Page 51, Section 190.109, Lines 1 to 9 of said page, by deleting all of said lines; and

Further amend said bill, Pages 113 to 118, Section 355.066, Lines 14 to 24 of Page 113, Lines 1 to 24 of Page 114,

Lines 1 to 24 of Page 115, Lines 1 to 24 of Page 116, Lines 1 to 24 of Page 117, and Lines 1 to 20 of Page 118, by deleting all of said section; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 79, Section 197.374, Line 22 of said page, by deleting the words **"units of service"** and inserting in lieu thereof the following: **"new machines or new rooms used for the listed services"**; and

Further amend said bill, Page 80, Section 197.374, Line 6 of said page, by inserting after all of said line the following:

"Nothing in this subdivision shall prohibit the replacement of the listed machines or rooms unless such replacement exceeds the threshold limits in this section."; and

Further amend said bill, Page 80, Section 197.374, Line 13 of said page, by inserting after the word **"sanatoriums"** the following: **"and any residential care facility I or residential care facility II operated by a religious organization qualified pursuant to Section 501(c)(3) of the Internal Revenue Code, as amended, which does not require the expenditure of public funds for purchase or operation, with a total licensed bed capacity of one hundred beds or less"**; and

Further amend said bill, Page 81, Section 197.374, Line 21 of said page, by deleting the words **"an expenditure"** and inserting in lieu thereof the following: **"a capital expenditure, including lease costs,"**; and

Further amend said bill, Page 82, Section 197.374, Line 10 of said page, by deleting the words **"an expenditure"** and inserting in lieu thereof the following: **"a capital expenditure, including lease costs,"**; and

Further amend said bill, Page 82, Section 197.374, Line 14 of said page, by inserting after the word **"land"** the following: **"acquisition, newly constructed or acquired"**; and

Further amend said bill, Page 84, Section 197.386, Line 18 of said page, by inserting after the word **"writing"** the following: **"its finding of fact, conclusions of law and"**; and

Further amend said bill, Page 86, Section 197.384, Lines 18 to 22 of said page, by deleting all of said lines and renumber remaining subsections accordingly; and

Further amend said bill, Page 88, Section 197.384, Line 10, by inserting after the word **"entirety"** the following: **"or within twelve months of a facility ceasing operation"**; and

Further amend said bill, Pages 88 and 89, Section 197.384, Line 24 of page 88 and Line 1 of page 89, by deleting all of said lines; and

Further amend said bill, Page 98, Section 197.398, Line 23 of said page, by inserting after all of said line the following:

"197.399. The provisions of subdivision (5) of section 197.374 to the contrary notwithstanding, after December 31, 2004, the term "health care facilities" in sections 197.370 to 197.399 shall mean:

(1) Facilities licensed pursuant to chapter 198, RSMo;

(2) Long-term care beds in a hospital as described in subdivision (3) of subsection 1 of section 198.012, RSMo;

(3) Long-term care hospitals or beds in a long-term care hospital meeting the requirements described in 42 CFR, section 412.23(e); and

(4) Construction of a new hospital as defined in this chapter."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 118, Section 355.066, Line 21 of said page, by inserting after all of said line the following:

"590.010. As used in this chapter, the following terms mean:

- (1) "Commission", when not obviously referring to the POST commission, means a grant of authority to act as a peace officer;**
- (2) "Director", the director of the Missouri department of public safety or his or her designated agent or representative;**
- (3) "Peace officer", a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed to be a peace officer by state statute;**
- (4) "POST commission", the peace officer standards and training commission;**
- (5) "Reserve peace officer", a peace officer who regularly works less than thirty hours per week.**

590.020. 1. No person shall hold a commission as a peace officer without a valid peace officer license.

2. The director shall establish various classes of peace officer license and may provide that certain classes are not valid for commission within counties of certain classifications, by certain state agencies, or for commission as other than a reserve peace officer with police powers restricted to the commissioning political subdivision.

3. Notwithstanding any other provision of this chapter, no license shall be required:

- (1) Of any person who has no power of arrest;**
- (2) To seek or hold an elected county office, subject to such requirements as chapter 57, RSMo, may impose;**
- (3) To be commissioned pursuant to section 64.335, RSMo, as a park ranger not carrying a firearm;**
- (4) To be commissioned as a peace officer by a political subdivision having less than four full-time paid peace officers or a population less than two thousand, provided that such commission was in effect on the effective date of this section and continually since that date, and provided that this exception shall not apply to any commission within a county of the first class having a charter form of government;**
- (5) Of any reserve officer continually holding the same commission since August 15, 1988; or**
- (6) For any person continually holding any commission as a full-time peace officer since December 31, 1978.**

4. Any political subdivision or law enforcement agency may require its peace officers to meet standards more stringent than those required for licensure pursuant to this chapter.

590.030. 1. The POST commission shall establish minimum standards for the basic training of peace officers. Such standards may vary for each class of license established pursuant to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers

possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; and

(2) Maintain a current address of record on file with the director.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.

590.040. 1. The POST commission shall set the minimum number of hours of basic training for licensure as a peace officer no lower than four hundred seventy and no higher than six hundred, with the following exceptions:

(1) Up to one thousand hours may be mandated for any class of license required for commission by a state law enforcement agency;

(2) As few as one hundred twenty hours may be mandated for any class of license restricted to commission as a reserve peace officer with police powers limited to the commissioning political subdivision;

(3) Persons validly licensed on August 28, 2001, may retain licensure without additional basic training;

(4) Persons licensed and commissioned within a county of the third classification before July 1, 2002, may retain licensure with one hundred twenty hours of basic training if the commissioning political subdivision has adopted an order or ordinance to that effect; and

(5) The POST commission shall provide for the recognition of basic training received at law enforcement training centers of other states, the military, the federal government and territories of the United States regardless of the number of hours included in such training and shall have authority to require supplemental training as a condition of eligibility for licensure.

2. The director shall have the authority to limit any exception provided in subsection 1 of this section to persons remaining in the same commission or transferring to a commission in a similar jurisdiction.

3. The basic training of every peace officer, except agents of the conservation commission, shall include at least thirty hours of training in the investigation and management of cases involving domestic and family violence. Such training shall include instruction, specific to domestic and family violence cases, regarding: report writing; physical abuse, sexual abuse, child fatalities and child neglect; interviewing children and alleged perpetrators; the nature, extent and causes of domestic and family violence; the safety of victims, other family and household members and investigating officers; legal rights and remedies available to victims, including rights to compensation and the enforcement of civil and criminal remedies; services available to victims and their children; the effects of cultural, racial and gender bias in law enforcement; and state statutes. Said curriculum shall be developed and presented in consultation with the department of health, the division of family services, public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence.

590.050. 1. The POST commission shall establish requirements for the continuing education of all peace officers. Peace officers who make traffic stops shall be required to receive annual training concerning the prohibition against racial profiling and such training shall promote understanding and respect for racial and cultural differences and the use of effective, non-combative methods for carrying out law enforcement duties in a racially and culturally diverse environment.

2. The director shall license continuing education providers and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision of the director pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. The costs of continuing law enforcement education shall be reimbursed in part by moneys from the peace officer standards and training commission fund created in section 590.178, subject to availability of funds, except that no such funds shall be used for the training of any person not actively commissioned or employed by a county or municipal law enforcement agency.

4. The director may engage in any activity intended to further the professionalism of peace officers through training and education, including the provision of specialized training through the department of public safety.

590.060. 1. The POST commission shall establish minimum standards for training instructors and training centers, and the director shall establish minimum qualifications for admittance into a basic training course.

2. The director shall license training instructors, centers, and curricula, and may probate, suspend and revoke such licenses upon written notice stating the reasons for such action. Any person aggrieved by a decision pursuant to this subsection may appeal as provided in chapter 536, RSMo.

3. Each person seeking entrance into a basic training program shall submit a fingerprint card and authorization for a criminal history background check to include the records of the Federal Bureau of Investigation to the training center where such person is seeking entrance. The training center shall cause a criminal history background check to be made and shall cause the resulting report to be forwarded to the director. The person seeking entrance may be charged a fee for the cost of this procedure.

590.070. 1. The chief executive officer of each law enforcement agency shall, within thirty days after commissioning any peace officer, notify the director on a form to be adopted by the director. The director may require the chief executive officer to conduct a current criminal history background check and to forward the resulting report to the director.

2. The chief executive officer of each law enforcement agency shall, within thirty days after any licensed peace officer departs from employment or otherwise ceases to be commissioned, notify the director on a form to be adopted by the director. Such notice shall state the circumstances surrounding the departure from employment or loss of commission and shall specify any of the following that apply:

- (1) The officer failed to meet the minimum qualifications for commission as a peace officer;**
- (2) The officer violated municipal, state or federal law;**
- (3) The officer violated the regulations of the law enforcement agency; or**
- (4) The officer was under investigation for violating municipal, state or federal law, or for gross violations of the law enforcement agency regulations.**

3. Whenever the chief executive officer of a law enforcement agency has reasonable grounds to believe that any peace officer commissioned by the agency is subject to discipline pursuant to section 590.080, the chief executive officer shall report such knowledge to the director.

590.080. 1. The director shall have cause to discipline any peace officer licensee who:

- (1) Is unable to perform the functions of a peace officer with reasonable competency or reasonable safety as a result of a mental condition, including alcohol or substance abuse;**
- (2) Has committed any criminal offense, whether or not a criminal charge has been filed;**
- (3) Has committed any act while on active duty or under color of law that involves moral turpitude or a reckless disregard for the safety of the public or any person;**
- (4) Has caused a material fact to be misrepresented for the purpose of obtaining or retaining a peace officer commission or any license issued pursuant to this chapter;**
- (5) Has violated a condition of any order of probation lawfully issued by the director; or**
- (6) Has violated a provision of this chapter or a rule promulgated pursuant to this chapter.**

2. When the director has knowledge of cause to discipline a peace officer licensed pursuant to this section, the director may cause a complaint to be filed with the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for discipline, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for discipline or any rehabilitation of the licensee or otherwise impinge upon the discretion of the director to determine appropriate discipline when cause exists pursuant to this section.

3. Upon a finding by the administrative hearing commission that cause to discipline exists, the director shall, within thirty days, hold a hearing to determine the form of discipline to be imposed and thereafter shall probate, suspend, or permanently revoke the license at issue. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

4. Notice of any hearing pursuant to this chapter or section may be made by certified mail to the licensee's address of record. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. Notice may be given by publication.

5. Nothing contained in this section shall prevent a licensee from informally disposing of a cause for discipline with the consent of the director by voluntarily surrendering a license or by voluntarily submitting to discipline.

6. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission and pursuant to this section the rights and duties of the parties involved.

590.090. 1. The director shall have cause to suspend immediately the peace officer license of any licensee who:

- (1) Is under indictment for, is charged with, or has been convicted of the commission of any felony;**
- (2) Is subject to an order of another state, territory, the federal government, or any peace officer licensing authority suspending or revoking a peace officer license or certification; or**
- (3) Presents a clear and present danger to the public health or safety if commissioned as a peace officer.**

2. At any time after the filing of a disciplinary complaint pursuant to section 590.080, if the director determines that probable cause exists to suspend immediately the peace officer license of the subject of the complaint, the director may, without notice or hearing, issue an emergency order suspending such license until final determination of the disciplinary complaint. Such order shall state the probable cause for the suspension and shall be served upon the licensee by certified mail at the licensee's address of record. Proof of refusal of the licensee to accept delivery or the inability of postal authorities to deliver such certified mail shall be evidence that required notice has been given. The director shall also notify the chief executive officer of any law

enforcement agency currently commissioning the officer. The director shall have authority to dissolve an emergency order of suspension at any time for any reason.

3. A licensee subject to an emergency order of suspension may petition the administrative hearing commission for review of the director's determination of probable cause, in which case the administrative hearing commission shall within five business days conduct an emergency hearing, render its decision, and issue findings of fact and conclusions of law. Sworn affidavits or depositions shall be admissible on the issue of probable cause and may be held sufficient to establish probable cause. The administrative hearing commission shall have no authority to stay or terminate an emergency order of suspension without a hearing pursuant to this subsection. Findings and conclusions made in determining probable cause for an emergency suspension shall not be binding on any party in any proceeding pursuant to section 590.080.

4. Any party aggrieved by a decision of the administrative hearing commission pursuant to this section may appeal to the circuit court of Cole County as provided in section 536.100, RSMo.

590.100. 1. The director shall have cause to deny any application for a peace officer license or entrance into a basic training course when the director has knowledge that would constitute cause to discipline the applicant if the applicant were licensed.

2. When the director has knowledge of cause to deny an application pursuant to this section, the director may grant the application subject to probation or may deny the application. The director shall notify the applicant in writing of the reasons for such action and of the right to appeal pursuant to this section.

3. Any applicant aggrieved by a decision of the director pursuant to this section may appeal within thirty days to the administrative hearing commission, which shall conduct a hearing to determine whether the director has cause for denial, and which shall issue findings of fact and conclusions of law on the matter. The administrative hearing commission shall not consider the relative severity of the cause for denial or any rehabilitation of the applicant or otherwise impinge upon the discretion of the director to determine whether to grant the application subject to probation or deny the application when cause exists pursuant to this section. Failure to submit a written request for a hearing to the administrative hearing commission within thirty days after a decision of the director pursuant to this section shall constitute a waiver of the right to appeal such decision.

4. Upon a finding by the administrative hearing commission that cause for denial exists, the director shall not be bound by any prior action on the matter and shall, within thirty days, hold a hearing to determine whether to grant the application subject to probation or deny the application. If the licensee fails to appear at the director's hearing, this shall constitute a waiver of the right to such hearing.

5. The provisions of chapter 621, RSMo, and any amendments thereto, except those provisions or amendments that are in conflict with this chapter, shall apply to and govern the proceedings of the administrative hearing commission pursuant to this section and the rights and duties of the parties involved.

[590.100. As used in sections 590.100 to 590.180, the following terms mean:

(1) "Certified training academy", any academy located within the state of Missouri which has been certified by the director to provide training programs for peace officers in this state;

(2) "Chief executive officer", the chief of police, director of public safety, sheriff, department head or chief administrator of any law enforcement or public safety agency of the state or any political subdivision thereof who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state or for violation of ordinances of a county or municipality;

(3) "Director", the director of the Missouri department of public safety;

(4) "Peace officer", members of the state highway patrol, all state, county, and municipal law enforcement officers possessing the duty and power of arrest for violation of any criminal laws of the state or for violation of ordinances of

counties or municipalities of the state who serve full time, with pay;

(5) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while on duty. In a county of the first class adjoining a city not within a county, reserve peace officers may engage in all nonprimary enforcement activities without being under direct or immediate accompaniment of a certified peace officer.]

[590.101. In any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, the definitions contained in section 590.100 shall apply, except that as used in sections 590.100 to 590.180, the following terms shall mean:

(1) "Bailiff", an assigned officer of the court subject to control and supervision and responsible for preserving order and decorum, taking charge of the jury, guarding prisoners, and other services which are reasonably necessary for the proper functioning of the court;

(2) "Nonprimary enforcement activities", activities which include, but are not limited to, traffic control, crowd control, checking abandoned, vacated and temporarily vacated structures, conveyance of motor vehicles, public appearances, and public educational presentations;

(3) "Primary enforcement activities", activities used to enforce the police powers of the state, including, but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search, interrogations or the administration of first aid; and

(4) "Reserve officer", any person who serves in a less than full-time law enforcement capacity, with or without pay, and who, without certification, has no power of arrest and who, without certification, must be under direct and immediate accompaniment of a certified peace officer of the same agency in order to engage in primary enforcement activities.]

[590.105. 1. A program of mandatory standards for the basic training and certification of peace officers and a program of optional standards for the basic training and certification of reserve officers in this state is hereby established. The peace officer standards and training commission shall establish the minimum number of hours of training and core curriculum. In no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

(1) One hundred twenty hours as of August 28, 1993;

(2) Three hundred hours as of August 28, 1994; and

(3) Four hundred seventy hours as of August 28, 1996.

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete

the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

4. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

5. Any federal officer who has the duty and power of arrest on any federal military installation in this state may, at the option of the federal military installation in which the officer is employed, participate in the training program required under the provisions of sections 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified by the director in the same manner provided for peace officers, as defined in section 590.100, except that the duty and power of arrest of military officers for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state shall extend only to the geographical boundaries within which the federal military installation is located. Any costs involved in the training of a federal officer shall be borne by the participating federal military installation.

6. Notwithstanding any provision of this chapter to the contrary, any peace officer who is employed by a law enforcement agency located within a county of the third classification shall be required to have no more or less than one hundred twenty hours of training for certification if the respective city or county adopts an order or ordinance to that effect.

7. The peace officers standards and training commission with input from the department of health and the division of family services shall provide a minimum of thirty hours of initial education to all prospective law enforcement officers, except for agents of the conservation commission, concerning domestic and family violence.

8. The course of instruction and the objectives in learning and performance for the education of law enforcement officers required pursuant to subsection 6 of this section shall be developed and presented in consultation with public and private providers of programs for victims of domestic and family violence, persons who have demonstrated expertise in training and education concerning domestic and family violence, and the Missouri coalition against domestic violence. The peace officers standards and training commission shall consider the expertise and grant money of the national council of juvenile and family court judges, with their domestic and family violence project, as well as other federal funds and grant moneys available for training.

9. The course of instruction shall include, but is not limited to:

(1) The investigation and management of cases involving domestic and family violence and writing of reports in such cases, including:

(a) Physical abuse;

(b) Sexual abuse;

(c) Child fatalities;

(d) Child neglect;

(e) Interviewing children and alleged perpetrators;

(2) The nature, extent and causes of domestic and family violence;

(3) The safety of officers investigating incidents of domestic and family violence;

(4) The safety of the victims of domestic and family violence and other family and household members;

(5) The legal rights and remedies available to victims of domestic and family violence, including but not limited to

rights and compensation of victims of crime, and enforcement of civil and criminal remedies

(6) The services available to victims of domestic and family violence and their children;

(7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of laws relating to domestic and family violence; and

(8) The provisions of applicable state statutes concerning domestic and family violence.]

590.110. 1. The director may investigate any cause for the discipline of any license or denial of any application pursuant to this chapter. During the course of such investigation, the director shall have the power to inspect any training center, require by subpoena the attendance and sworn deposition of any witness and the production of any documents, records, or evidence that the director deems relevant. Subpoenas shall be served by a person authorized to serve subpoenas of courts of record. In lieu of the production of any document or record, the director may require that a sworn copy of such document or record be delivered to the director.

2. The director may apply to the circuit court of Cole County or of any county where the person resides or may be found for an order upon any person who shall fail to obey a subpoena to show cause why such subpoena should not be enforced. A show cause order and a copy of the application shall be served upon the person in the same manner as a summons in a civil action. If, after a hearing, the circuit court determines that the subpoena should be enforced, the court shall proceed to enforce the subpoena in the same manner as in a civil case.

[590.110. 1. No person shall be appointed as a peace officer by any public law enforcement agency, which is possessed of the duty and power to enforce the general criminal laws of the state or the ordinances of any political subdivision of this state, unless he has been certified by the director as provided in sections 590.100 to 590.180, unless he is appointed on a probationary basis, and the hiring agency, within one year after his initial appointment, takes all necessary steps to qualify him for certification by the director. Unless a peace officer is certified within the one-year period after appointment, his appointment shall be terminated and he shall not be eligible for appointment by any other law enforcement agency as a peace officer. Beginning on August 28, 1995, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment.

2. The chief executive officer of each law enforcement agency shall notify the director of the appointment of any peace or reserve officer not later than thirty days after the date of the appointment and include with such notification a copy of a fingerprint card verified by the Missouri state highway patrol pertaining to the results of a criminal background check of the officer appointed and evidence of the completion of the standards necessary for employment as provided in sections 590.100 to 590.180.

3. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer; however, any person who serves as a reserve officer in any public law enforcement agency which is possessed of the duty and power to enforce the general criminal laws of this state or the ordinances of any political subdivision of this state may, at the option of the political subdivision in which the reserve officer is appointed, participate in the basic training program required under the provisions of sections 590.100 to 590.180, and, upon completion of such training program, shall be certified by the director in the same manner as provided for peace officers.]

[590.112. 1. This section applies to any employees of the sheriff's department of any county of the first classification with a population of two hundred thousand or more inhabitants, who have been certified in a program of training, including but not limited to a training and certification program established pursuant to this chapter.

2. If any person subject to subsection 1 of this section is transferred to a department of public safety or similar agency as a result of the passage of a charter form of government in the county, then notwithstanding the provisions of this chapter, or any local ordinance or order to the contrary, such person's training certification shall remain in effect and shall not lapse, and the training and certification required for the person to be employed by the sheriff's department shall be deemed adequate to be appointed to the department of public safety or similar agency. If such person is thereafter reassigned to the sheriff's department, such person shall be deemed certified for appointment to such

position, notwithstanding the provisions of section 590.110, to the contrary; and the chief executive officer as defined in section 590.100, shall not be required to furnish to the director of the department of public safety evidence that such person has satisfactorily completed instruction in a course of training for peace officers.]

[590.115. 1. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a peace officer who has been consistently employed as a full-time peace officer and was appointed before December 31, 1978, whether or not such officer changes his place of employment.

2. Training and certification requirements specified in sections 590.100 to 590.180 are recommended but not required of a reserve officer who was appointed as a reserve officer prior to August 15, 1988. Requirements for certification of such reserve officers may be determined by the commission. A certified reserve officer may transfer from one similar jurisdiction to another as a certified reserve officer without any additional training requirements unless or until the certified reserve officer becomes or attempts to become a full-time peace officer, at which time the individual must satisfy the requirements of this chapter to become a certified full-time police officer, or unless or until the certified reserve officer attempts to become a certified reserve officer in a jurisdiction wherein the basic training requirement is higher than the previous jurisdiction's basic training requirement, at which time the individual must satisfy the higher basic training requirements of the new jurisdiction to become a certified reserve officer.

3. Except as provided in subsections 1, 2 and 4 of this section, in the event that a peace officer claims to have had prior basic training, the chief executive officer shall furnish to the director evidence that the noncertified officer has satisfactorily completed instruction in a course of basic training for peace officers conducted by a law enforcement training academy or institute which is approved by the director as providing basic training equivalent to standards set for jurisdictions within this state. The basic training course satisfactorily completed by the noncertified officer shall meet the minimum basic training requirements of the jurisdiction in which he is appointed or is to be appointed as required under the provisions of sections 590.100 to 590.180.

4. The director may certify a chief executive officer as qualified under sections 590.100 to 590.180, if the person's employer furnishes the director with evidence that the chief executive officer has training or experience equivalent to the standards set forth in subsection 1, 2, or 3 of this section or is a graduate of the FBI National Academy or its equivalent as determined by the director, or holds a bachelor of science degree in criminal justice or a related field received from an accredited college or university or a doctor of jurisprudence degree received from a college or university approved by the American Bar Association.

5. Peace officers and reserve officers meeting the basic training requirements under sections 590.100 to 590.180 shall be eligible to be certified by the director.

6. Beginning August 28, 1996, the peace officer standards and training commission shall establish a program of continuing law enforcement education and training. Each peace officer or reserve officer subject to the training provisions of sections 590.100 to 590.180 shall participate in continuing law enforcement education to maintain certification. The providers of continuing law enforcement education and training, as well as the contents and subject matter thereof, shall be subject to the approval of the peace officer standards and training commission. The costs of the continuing law enforcement education and training offered by certified providers to persons entitled to receive such education and training shall be reimbursed by moneys from the peace officer standards and training commission fund created in section 590.178. The peace officer standards and training commission shall require by rule that all peace officers or reserve officers, subject to the training provisions herein, contribute, based on standards set by the commission, to the cost of said training.

7. The peace officer standards and training commission may provide by rule for the reciprocal recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government or other states or territories of the United States, and may require such additional training prior to certification as the commission deems necessary.]

[590.117. The department shall provide by administrative rule for the requirements for continuing certification of an inactive or unemployed peace officer during the term of such inactivity or unemployment, provided that the certification of such peace officers shall expire after five consecutive years of such inactivity or unemployment. The

cost of any continuing law enforcement education and training required to maintain such certification shall be paid by the inactive or unemployed peace officer.]

590.118. 1. All law enforcement agency personnel records of a peace officer may be made available to any hiring law enforcement agency. The availability of any records shall be subsequent to and conditioned upon a hearing on the issues as defined in sections 590.080, 590.090 and 590.100.

2. Following a decision recommending punitive action from a hearing on the issues as defined in section 590.080, 590.090 and 590.100, the law enforcement agency shall provide such information to the peace officer standards and training commission.

590.120. 1. There is hereby established within the department of public safety a "Peace Officer Standards and Training Commission" which shall be composed of nine members, including a voting public member, appointed by the governor, by and with the advice and consent of the senate, from a list of qualified candidates submitted to the governor by the director of the department of public safety. No member of the **POST** commission shall reside in the same congressional district as any other at the time of their appointments but this provision shall not apply to the public member. Three members of the **POST** commission shall be police chiefs, three members [of the commission] shall be sheriffs, one member [of the commission] shall represent a state law enforcement agency covered by the provisions of [sections 590.100 to 590.180] **this chapter**, and one member shall be a chief executive officer of a certified training academy. The public member shall be at the time of appointment a registered voter; a person who is not and never has been a member of any profession certified or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by [sections 590.100 to 590.180] **this chapter**, or an activity or organization directly related to any profession certified or regulated under [sections 590.100 to 590.180] **this chapter**. Each member of the **POST** Commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are peace officers shall be qualified as established by [sections 590.100 to 590.180] **this chapter**. No member of the **POST** commission serving a full term of three years may be reappointed to the **POST** commission until at least one year after the expiration of his most recent term.

2. Three of the original members of the **POST** commission shall be appointed for terms of one year, three of the original members shall be appointed for terms of two years, and three of the original members shall be appointed for terms of three years. Thereafter the terms of the members of the **POST** commission shall be for three years or until their successors are appointed. The director may remove any member of the **POST** commission for misconduct or neglect of office. Any member of the **POST** commission may be removed for cause by the director but such member shall first be presented with a written statement of the reasons thereof, and shall have a hearing before the **POST** commission if the member so requests. Any vacancy in the membership of the commission shall be filled by appointment for the unexpired term.

3. Annually the director shall appoint one of the members as chairperson. The **POST** commission shall meet at least twice each year as determined by the director or a majority of the members to perform its duties. A majority of the members of the **POST** commission shall constitute a quorum.

4. No member of the **POST** commission shall receive any compensation for the performance of his official duties.

5. The **POST** commission shall [establish the core curriculum and shall also formulate definitions, rules and regulations for the administration of peace officer standards and training and] guide and advise the director concerning duties [as outlined by sections 590.100 to 590.180. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo] **pursuant to this chapter**.

[590.121. The director shall certify such academies, core curriculum and instruction as necessary to fulfill the purposes of sections 590.100 to 590.180. The certification shall be made by the director on the basis of the experience and educational background of the instructors, the quality and aptness of curriculum, the educational equipment and materials used in the training and the methods and measurements used in such training. The director shall adopt and

publish rules pertaining to the establishment of minimum standards for certification pursuant to sections 590.100 to 590.180.]

[590.123. 1. The peace officer standards and training commission may promulgate rules and regulations to effectuate the purposes of this chapter. No rule or portion of a rule promulgated under the authority of this section shall become effective until it has been approved by the joint committee on administrative rules in accordance with the procedures provided in this section, and the delegation of the legislative authority to enact law by the adoption of such rules is dependent upon the power of the joint committee on administrative rules to review and suspend rules pending ratification by the senate and the house of representatives as provided in this section.

2. Upon filing any proposed rule with the secretary of state, the commission shall concurrently submit such proposed rule to the committee which may hold hearings upon any proposed rule or portion thereof at any time.

3. A final order of rulemaking shall not be filed with the secretary of state until thirty days after such final order of rulemaking has been received by the committee. The committee may hold one or more hearings upon such final order of rulemaking during the thirty-day period. If the committee does not disapprove such order of rulemaking within the thirty-day period, the commission may file such order of rulemaking with the secretary of state and the order of rulemaking shall be deemed approved.

4. The committee may, by majority vote of the members, suspend the order of rulemaking or portion thereof by action taken prior to the filing of the final order of rulemaking only for one or more of the following grounds:

- (1) An absence of statutory authority for the proposed rule;
- (2) An emergency relating to public health, safety or welfare;
- (3) The proposed rule is in conflict with state law;
- (4) A substantial change in circumstance since enactment of the law upon which the proposed rule is based;
- (5) That the rule is arbitrary and capricious.

5. If the committee disapproves any rule or portion thereof, the commission shall not file such disapproved portion of any rule with the secretary of state and the secretary of state shall not publish in the Missouri Register any final order of rulemaking containing the disapproved portion.

6. If the committee disapproves any rule or portion thereof, the committee shall report its findings to the senate and the house of representatives. No rule or portion thereof disapproved by the committee shall take effect so long as the senate and the house of representatives ratify the act of the joint committee by resolution adopted in each house within thirty legislative days after such rule or portion thereof has been disapproved by the joint committee.

7. Upon adoption of a rule as provided in this section, any such rule or portion thereof may be suspended or revoked by the general assembly either by bill or, pursuant to section 8, article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of the joint committee on administrative rules. The committee shall be authorized to hold hearings and make recommendations pursuant to the provisions of section 536.037, RSMo. The secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the suspension or revocation.]

[590.125. The director may:

- (1) Publish and distribute to all Missouri law enforcement agencies bulletins, pamphlets, and educational materials relating to training of peace officers;
- (2) Provide seminars, in-service training and supervisory training to ensure that officers of all ranks, both appointed and elected, may be offered training in current enforcement and related subjects on a voluntary enrollment basis;

- (3) Consult with and cooperate with any law enforcement agency or division of the state government or the federal government for the development of training programs for the fulfillment of specific needs in law enforcement;
- (4) Issue or authorize the issuance of, suspend or revoke diplomas, certificates or other appropriate indicia of compliance and qualification to peace officers who complete specialized training courses offered by the department of public safety;
- (5) Encourage the further professionalization of peace officers through training and education.]

[590.130. No elected county peace officer or official shall be required to be certified under sections 590.100 to 590.180 to seek or hold such office, but all appointive deputies or assistants of such officer or official who are employed as peace officers, provided that such county has five or more full-time peace officers, shall be certified as a condition of appointment in the same manner as other peace officers are required to be certified. No arrest shall be deemed unlawful in any criminal or civil proceeding solely because the peace officer is not certified under the terms of sections 590.100 to 590.180. Evidence on the question cannot be received in any civil or criminal case.]

[590.131. The chief executive officer of each law enforcement agency shall notify the director of a peace officer's separation from the agency, whether voluntary or involuntary, and shall set forth in detail the facts and reasons for the separation on a form to be provided by the director.]

[590.135. 1. The director or any of his designated representatives may:

- (1) Visit and inspect any certified academy or training program requesting certification for the purpose of determining whether or not the minimum standards established pursuant to sections 590.100 to 590.180 are being complied with, and may issue, suspend or revoke certificates indicating such compliance;
- (2) Issue, suspend or revoke certificates for instructors under the provisions of sections 590.100 to 590.180;
- (3) Issue or authorize the issuance of diplomas, certificates and other appropriate indicia of compliance and qualification to peace officers trained under the provisions of sections 590.100 to 590.180.

2. The director may refuse to issue, or may suspend or revoke any diploma, certificate or other indicia of compliance and qualification to peace officers or bailiffs issued pursuant to subdivision (3) of subsection 1 of this section of any peace officer for the following:

- (1) Conviction of a felony including the receiving of a suspended imposition of a sentence following a plea or finding of guilty to a felony charge;
- (2) Conviction of a misdemeanor involving moral turpitude;
- (3) Falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath;
- (4) Dependence on or abuse of alcohol or drugs;
- (5) Use or possession of, or trafficking in, any illegal substance;
- (6) Gross misconduct indicating inability to function as a peace officer;
- (7) Failure to comply with the continuing education requirements as promulgated by rule of the peace officers standards and training commission.

3. Any person aggrieved by a decision of the director under this section may appeal as provided in chapter 536, RSMo.

4. Any person or agency authorized to submit information pursuant to this section to the director shall be immune from liability arising from the submission of the information so long as the information was submitted in good faith

and without malice.

5. The director may refuse to certify any law enforcement school, academy, or training program, any law enforcement instructor or any peace officer not meeting the requirements for certification under the provisions of sections 590.100 to 590.180. The director shall notify the applicant in writing of the reasons for the refusal. The applicant shall have the right to appeal the refusal by filing a complaint with the administrative hearing commission as provided by chapter 621, RSMo, and the director shall advise the applicant of this right of appeal.

6. The director shall cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any law enforcement instructor or any peace officer not in compliance with the requirements for certification under the provisions of sections 590.100 to 590.180.

7. After the filing of the complaint, the proceeding will be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section for disciplinary action are met, the director may revoke the certification of any such law enforcement school, academy, or training program, law enforcement instructor or any peace officer.]

[590.150. The provisions of sections 590.100 to 590.180 shall not apply to a political subdivision having a population of less than two thousand persons or which does not have at least four full-time paid peace officers unless such political subdivision is located in a county of the first class having a charter form of government; provided, however, the governing body of the political subdivision may by order or ordinance elect to come under the provisions of sections 590.100 to 590.180 or such election may be later rescinded and, provided further, that upon election to come under the provisions of sections 590.100 to 590.180 the political subdivision shall be entitled to authorize the fees allowed by section 590.140, otherwise, such fees shall not be collected.]

[590.170. 1. The director shall consult with Missouri sheriffs and their professional organizations and after such consultation shall formulate a training program for persons elected for the first time to the office of sheriff for the purpose of developing improved law enforcement procedures throughout the state.

2. The training program shall consist of at least one hundred twenty hours of instruction covering all major phases of law enforcement with emphasis on the duties and responsibilities of sheriffs.]

[590.175. 1. Any person who is elected to his first term as sheriff in a general election or in a special election in any county of this state shall, within eighteen months of such election, cause to be filed with the presiding circuit judge of the county and director of the department of public safety proof that he has completed the training program formulated pursuant to sections 590.170 and 590.175 or some other comparable training program of not less than one hundred twenty hours instruction approved by the director of the department of public safety.

2. Whether any person elected to his first term as sheriff attends such a training program prior to or after assuming the duties of his office shall be left to the discretion of the governing body of the county from which he was elected. During the time that a sheriff-elect is enrolled in such a training program, he shall be hired as a county employee and receive as full compensation from the county from which he was elected, compensation at a rate equal to that of the sheriff of the county. Tuition and room and board for newly elected sheriffs and sheriffs-elect enrolled in such a training program shall be paid by the state.]

590.180. 1. No arrest shall be deemed unlawful solely because of the licensure status of a peace officer, and evidence on the question cannot be received in any civil or criminal case.

2. The name, licensure status, and commissioning or employing law enforcement agency, if any, of applicants and licensees pursuant to this chapter shall be an open record. All other records retained by the director pertaining to any applicant or licensee shall be confidential and shall not be disclosed to the public or any member of the public, except with written consent of the person or entity whose records are involved, provided, however, that the director may disclose such information in the course of voluntary interstate exchange of information, during the course of litigation involving the director, to other state agencies, or, upon a final determination of cause to discipline, to law enforcement agencies. No closed record conveyed to the director

pursuant to this chapter shall lose its status as a closed record solely because it is retained by the director. Nothing in this section shall be used to compel the director to disclose any record subject to attorney-client privilege or work-product privilege.

3. In any investigation, hearing, or other proceeding pursuant to this chapter, any record relating to any applicant or licensee shall be discoverable by the director and shall be admissible into evidence, regardless of any statutory or common law privilege or the status of any record as open or closed, including records in criminal cases whether or not a sentence has been imposed. No person or entity shall withhold records or testimony bearing upon the fitness to be commissioned as a peace officer of any applicant or licensee on the ground of any privilege involving the applicant or licensee, with the exception of attorney-client privilege.

4. Any person or entity submitting information to the director pursuant to this chapter and doing so in good faith and without negligence shall be immune from all criminal and civil liability arising from the submission of such information and no cause of action of any nature shall arise against such person.

5. No person shall make any unauthorized use of any testing materials or certification examination administered pursuant to subsection 2 of section 590.030.

[590.180. 1. Any person who purposely violates any of the provisions of section 590.110, 590.115 or 590.175 is guilty of a class B misdemeanor.

2. Any law enforcement agency which employs a peace officer who is not certified as required by sections 590.100 to 590.180 or who is otherwise in violation of any provision of sections 590.100 to 590.180 shall not be eligible to receive state or federal funds which would otherwise be paid to it for purposes of training and certifying peace officers or for other law enforcement, safety or criminal justice purposes.]

590.190. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

590.195. 1. A person commits a class B misdemeanor if, in violation of this chapter, such person knowingly:

(1) Holds a commission as a peace officer without a peace officer license valid for such commission; or

(2) Grants or continues the commission of a peace officer not validly licensed for such commission.

2. Any person who purposely violates any other provision of this chapter shall be guilty of a class B misdemeanor.

3. Any law enforcement agency that commissions a peace officer in violation of this chapter or that is otherwise in violation of any provision of this chapter shall not be eligible to receive state or federal funds that would otherwise be paid to it for the purpose of training and licensing peace officers or for any other law enforcement, safety, or criminal justice purpose."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, by inserting in the appropriate location in the bill the following:

"Section 1. It shall be contrary to public policy to withhold Medicaid reimbursement to a Medicaid eligible skilled nursing facility for any resident of that skilled nursing facility who resided there for a period in excess of 90 days prior to being eligible for Medicaid reimbursement. Any instrumentality of the state shall waive or modify any provision of any contract license, authority or understanding with the approval of said skilled nursing facility in order to authorize and pay said Medicaid reimbursement."; and

Further amend said bill, by amending title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 32, Section 190.092.3, Line 9, by adding after the word "professional" on said line the following:

"including the licensed physician who reviews and approves the clinical protocol".

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 98, Section 197.398, Line 23 of said page, by inserting after said line the following:

"292.602. 1. The "Missouri Emergency Response Commission", herein to be known as the commission, is hereby established and is officially domiciled in the department of public safety. The commission shall be composed of the director of the department of economic development, or his designee; the director of the department of natural resources, or his designee; the director of the department of public safety, or his designee; the director of the department of health, or his designee; six members appointed by the governor with the advice and consent of the senate; one to represent transporters of hazardous materials; one to represent Missouri industry; one to represent local government; one chief fire officer from a recognized fire department or fire protection district; one police officer of the rank of captain or above from a recognized county or municipal police department; and one to represent the general public and four members of the general assembly, two of whom shall be appointed by the speaker of the house and two of whom shall be appointed by the president pro tem of the senate. All members of the commission shall represent the general interest of the public and shall, to the extent practicable, have technical expertise in the emergency response field. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of three years, two shall have a term of two years and two will have a term of one year. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause.

2. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties.

3. The Missouri emergency response commission in conjunction with the department shall:

(1) Carry out those responsibilities designated under sections 292.600 to 292.625 and implement sections 292.600 to 292.625 and the Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499, as amended, and all rules and regulations promulgated pursuant thereto, herein to be known as the Federal Act;

(2) Designate local emergency planning districts, **including a district encompassing any city with a population of at least seventy thousand but not more than seventy-three thousand located in a county of the first classification without a charter form of government and with a population of at least eighty-one thousand but not more than eighty-five thousand inhabitants**, to facilitate preparation and implementation of emergency plans, appoint members of a local emergency planning committee for each local emergency planning district, support and coordinate the activities of such committees, review the emergency plans submitted by local emergency planning committees, and make recommendations to the local emergency planning committees regarding those plans;

- (3) Establish a single filing point for all reports and filings that are required to be submitted to the commission under the provisions of sections 292.600 to 292.625 and the Federal Act;
- (4) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625;
- (5) Provide assistance to the local emergency planning committees for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625 and the Federal Act by utilizing all available expertise both public and private, including, but not limited to, the departments of natural resources, public safety and health;
- (6) Provide training to local emergency planning committees and other local officials to accomplish the purposes and objectives of the Federal Act and the provisions of sections 292.600 to 292.625. The department of public safety will coordinate the provisions of such training and periodically report to the commission on training activities;
- (7) Enter into such agreements with other state agencies, local governments and other political subdivisions of the state, the federal government and other persons as is determined to be appropriate to implement the Federal Act and the provisions of sections 292.600 to 292.625;
- (8) Allot funds as specified in section 292.604 to local emergency planning committees;
- (9) Develop a data management system to store and retrieve information submitted under the provisions of sections 292.600 to 292.625 and the Federal Act. The commission and the department will provide assistance to local emergency planning committees and fire departments, fire protection districts, volunteer fire protection services and others to make this information readily available to them for planning and emergency response purposes."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 29, Section 190.054, Line 7, by inserting after all of said line the following:

"190.072. 1. Any two or more contiguous ambulance districts may, by a majority vote of the governing body of each district or by a petition signed by at least seventy-five percent of the owners of real property in the affected area, provide for territory located in one district to be annexed and served by a contiguous district. Notice of the proposed annexation shall be filed with the circuit court in the county in which the affected area is located, or in the circuit court of the county in which the greater physical portion of the affected area is located in the event that such area is located in more than one county. The court shall set a date for a hearing on the proposed annexation and shall cause notice to be published in the same manner as section 190.020.

2. If the court, after the hearing, finds that the proposed annexation would not be in the public interest, it shall order that the annexation not be allowed. If the court finds the proposed annexation to be in the public interest, it shall approve the annexation and the territory shall be detached from one or more districts and annexed to the other district or districts. The court shall not approve any boundary changes pursuant to this section until all districts involved in such change have provided for, and agreed upon, a plan of compensation for, or assumption of, the outstanding debt attributable to the affected area to be annexed.

3. After the annexation is approved, each district shall amend its decree of incorporation to reflect the change in its boundaries as a result of the annexation, and the governing body of the county shall, prior to any subsequent election for ambulance district board members, redivide any election districts established pursuant to section 190.050. A certified copy of the amended decree showing the boundary change and the new subdistricts shall be filed in the office of the recorder of deeds, in the office of the county clerk in each county having territory in the district and in the office of the secretary of state.

4. The costs incurred in the enlargement or extension of the district shall be taxed to the district being enlarged or extended, unless otherwise provided by the districts in an agreement approved by the circuit court; provided that, no costs shall be taxed to the directors of the district."; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 4, Section 34.140, Line 12, by inserting after all of said line the following:

"58.451. 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

(1) Violence by homicide, suicide, or accident;

(2) Criminal abortions, including those self-induced;

(3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;

(4) In any unusual or suspicious manner;

(5) Any injury or illness while in the custody of the law or while an inmate in a public institution; the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or his deputy shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The coroner or his deputy shall take possession of all property of value found on the body, making exact inventory of such property on his report and shall direct the return of such property to the person entitled to its custody or possession. The coroner or his deputy shall take possession of any object or article which, in his opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the determination if further investigation is necessary, based on information provided by the individual contacting the coroner, and immediately advise such individual of the coroner's intentions.

3. Upon taking charge of the dead body and before moving the body the coroner shall notify the police department of any city in which the dead body is found, or if the dead body is found in the unincorporated area of a county governed by the provisions of sections 58.451 to 58.457, the coroner shall notify the county sheriff and the highway patrol and cause the body to remain unmoved until the police department, sheriff or the highway patrol has inspected the body and the surrounding circumstances and carefully noted the appearance, the condition and position of the body and recorded every fact and circumstance tending to show the cause and manner of death, with the names and addresses of all known witnesses, and shall subscribe the same and make such record a part of his report.

4. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the coroner, upon being advised of such facts, may at his own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

5. The coroner shall certify the cause of death in any case under his charge when a physician is unavailable to sign a certificate of death.

6. When the cause of death is established by the coroner, he shall file a copy of his findings in his office within thirty days.

7. When a coroner investigates a death, the office of the coroner shall, within seventy-two hours of occurrence or discovery of the death, make the following information, to the extent it is known, available as an incident report for public inspection and copying:

(1) The name, age, address, sex and race of the deceased;

(2) The address or location where the body was found and, if different, the address or location where the death occurred;

(3) The name of the agency to which the death was reported;

(4) The name of the responsible public official notifying the coroner of the death, and the name of the person in charge of the investigation;

(5) The entity taking custody of the body;

(6) Information regarding any autopsy limited to the date, the person who performed the autopsy, where the autopsy was performed and a conclusion as to the reason for death, such limited autopsy information to be available within seventy-two hours of the completion of the autopsy.

[7.] **8.** If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner determines that a further examination is necessary in the public interest, the coroner on his own authority may make or cause to be made an autopsy on the body. The coroner may on his own authority employ the services of a pathologist, chemist, or other expert to aid in the examination of the body or of substances supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert is not already employed by the city or county for the discharge of such services, he shall, upon written authorization of the coroner, be allowed reasonable compensation, payable by the city or county, in the manner provided in section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each fact and circumstance tending to show the condition of the body and the cause and manner of death.

[8.] **9.** If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner considers a further inquiry and examination necessary in the public interest, he shall make out his warrant directed to the sheriff of the city or county requiring him forthwith to summon six good and lawful citizens of the county to appear before the coroner, at the time and place expressed in the warrant, and to inquire how and by whom the deceased came to his death.

[9.] **10.** When a person is being transferred from one county to another county for medical treatment and such person dies while being transferred, the county from which the person is first removed shall be considered the place of death and the county coroner of the county from which the person was being transferred shall be responsible for the certificate of death and for investigating the cause and manner of the death. If the coroner or medical examiner in the county in which the person died believes that further investigation is warranted and a postmortem examination is needed, such coroner or medical examiner shall have the right to further investigate and perform the postmortem examination at the expense of such coroner or medical examiner and shall be responsible for the certificate of death and for investigating the cause and manner of the death. Such coroner or medical examiner shall immediately notify the coroner or medical examiner of the county from which the person was being transferred of the death of such person and after an investigation is completed shall notify such coroner or medical examiner of his findings. If a person does not die while being transferred and is institutionalized after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person dies shall immediately notify the coroner or medical examiner of the county from which such person was transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death.

[10.] **11.** Except as provided in subsection 9 of this section, if a person dies in one county and his body is subsequently

transferred to another county, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

[11.] **12.** In performing his duties, the coroner or medical examiner shall make reasonable efforts to accommodate organ donation.

58.740. **1.** The medical examiner shall keep full and complete records in his office, properly indexed, giving the name, if known, of each deceased person investigated under sections 58.010, 58.020, 58.060, 58.090, 58.160, 58.375, 58.451, 58.455 and 58.700 to 58.765 the place where the body was found, date and cause of death, and all other available information. The original report of the medical examiner or pathologist and the detailed findings of the autopsy, if any, shall be attached to the record of each case. The medical examiner shall promptly deliver to the prosecuting attorney of the county copies of all records relating to every death in which, in the judgment of such medical examiner, further investigation may be deemed advisable. The prosecuting attorney of the county may obtain from the office of the medical examiner copies of these records or other information which he may deem necessary.

2. When a medical examiner investigates a death, the office of the medical examiner shall, within seventy-two hours of occurrence or discovery of the death, make the following information, to the extent it is known, available for public inspection and copying:

(1) The name, age, address, sex and race of the deceased;

(2) The address or location where the body was found and, if different, the address or location where the death occurred;

(3) The name of the agency to which the death was reported;

(4) The name of the responsible public official notifying the medical examiner of the death, and the name of the person in charge of the investigation;

(5) The entity taking custody of the body;

(6) Information regarding any autopsy limited to the date, the person who performed the autopsy, where the autopsy was performed and a conclusion as to the reason for death, such limited autopsy information to be available within seventy-two hours of the completion of the autopsy."

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, by inserting in the appropriate location in the bill the following:

"Section 1. A completed application for medical assistance for services described in section 208.152, 1 (4) shall be approved or denied within fifteen days after the division of family services receives all assessments, applications and documentation necessary for the department to make a determination of eligibility.

The division of medical services shall remit payments to a licensed Medicaid certified nursing home operator who has billed for the Medicaid payment for a newly admitted Medicaid resident in a licensed long-term care facility within forty-five days of the resident's approval for Medicaid benefits."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 486 and Senate Bill No. 422, Page 51, Line 10. Preceding said line insert the following new Section 190.110 to read as follows:

"Any nonprofit, public benefit corporation that owned and operated a licensed ambulance service on December

31, 1997, and converts to a for profit corporation, limited liability company, partnership or related entity (the "New Entity") subsequent to December 31, 2000, and selling substantially all of its assets to such New Entity, shall receive an ambulance service license from the department for the same service area, unless the license of the non profit, public benefit corporation was suspended, revoked or terminated prior to such sale, conversion or similar transaction, upon application of the New Entity to the department and adherence to the rules and regulations of the department promulgated pursuant to sections 190.001 to 190.245 as if the New Entity had operated on December 31, 1997."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328** and **88**, as amended, and has taken up and passed **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328** and **88**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 955** and has taken up and passed **HB 955**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 193** and has taken up and passed **HCS** for **SS** for **SB 193**, as amended by the Conference Committee Report.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SB 244**, as amended, and has taken up and passed **CCS** for **HCS** for **SS** for **SB 244**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 501** and has taken up and passed **SS** for **SCS** for **HB 501**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House Has taken up and passed **SB 430**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 274** and has taken up and passed **CCS** for **HCS** for **SB 274**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 133**, as amended, and has taken up and passed **SCS** for **HB 133**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 369**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 369**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SS** for **SCS** for **SB 351**, as amended, and has taken up and passed **CCS** for **HS** for **SS** for **SCS** for **SB 351**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 185** and has taken up and passed **SS** for **SCS** for **HB 185**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 48**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 48**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SCS** for **SB 393**, as amended, and has taken up and passed **CCS** for **HS** for **SCS** for **SB 393**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 317**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted the Conference Committee Report No. 2 on **HS** for **HCS** for **SCS** for **SB 236**, as amended, and has taken up and passed **CCS No. 2** for **HS** for **HCS** for **SCS** for **SB 236**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Conference Committee to act with a like committee from the Senate on **HS** for **HCS** for **SCS** for **SB 617**, as amended. Representatives: Rizzo, Scheve, Bonner, Byrd and Townley.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House concurs in **SCA 1**, **SA 2**, **SA 1** to **SA 4**, **SA 4** as amended to House Bill 262 but refuses to concur in **SA 3** to House Bill 262 and request the Senate to recede from its position on **SA 3** and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **SCR 31**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SCS** for

SB 266, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SCS** for **SB 266**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **SCS** for **SB 151** and has taken up and passed **CCS No. 2** for **HCS** for **SCS** for **SB 151**.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 17, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill Nos. 5 & 21 entitled:

AN ACT

To repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 2000, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

On May 17, 2001, I approved said Senate Committee Substitute for Senate Bill Nos. 5 and 21.

Respectfully submitted,

BOB HOLDEN

Governor

INTRODUCTIONS OF GUESTS

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Jerry D. Kennett, M.D., Columbia.

On motion of Senator Kenney, the Senate adjourned until 3:00 p.m., Wednesday, May 23, 2001, for a technical session.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-SEVENTH DAY--WEDNESDAY, MAY 23, 2001

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

RESOLUTIONS

On behalf of Senator Rohrbach, Senator Kinder offered Senate Resolution No. 851, regarding Warren H. Solomon, Jefferson City, which was adopted.

On behalf of Senator Caskey, Senator Kinder offered Senate Resolution No. 852, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Eddie Lee Dodds, Butler, which was adopted.

On behalf of Senator Scott, Senator Kinder offered Senate Resolution No. 853, regarding Mary Beth Purdy, St. Louis, which was adopted.

On behalf of Senator Scott, Senator Kinder offered Senate Resolution No. 854, regarding Scott Laschober, St. Louis, which was adopted.

On behalf of Senator Bentley, Senator Kinder offered Senate Resolution No. 855, regarding Thomas "Pete" Stayton, which was adopted.

On behalf of Senator Bentley, Senator Kinder offered Senate Resolution No. 856, regarding Phyllis A. Stayton, which was adopted.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Kenney, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator Foster submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS for SB 4; HS for HCS for SCS for SB 10; SCS for SB 13; SB 25; CCS for HS for HCS for SS for SCS for SB 48; SB 58; HCS for SB 86; SB 87; HS for HCS for SS for SCS for SBs 89 and 37; SB 110; SB 111; HCS for SB 130; SB 142; HCS for SCS for SB 178; SB 179; HCS for SS for SB 193; SCS for SB 197; SB 200; SB 201; SB 203; SB 207; SB 223; HCS for SB 227; SCS for SB 234; SCS for SB 241; SB 252; SCS for SB 270; CCS for HCS for SB 274; SB 275; SB 295; SCS for SB 301; SB 303; SB 316; SCS for SB 317; CCS for HCS for SB 319; HCS for SB 321; CCS for HS for SS for SCS for SBs 323 and 230; SCS for SB 341; HCS for SB 345; HCS for SB 348; SCS for SB 352; SB 353; SCS for SB 357; HS for SCS for SB 374; SCS for SB 383; SCS for SB 384; SCS for SB 387; SB 394; SB 406; SCS for SB 407; SB 435; SB 436; HCS for SB 441; SB 442; SB 451; CCS for HCS for SB 462; SB 470; SB 500; SCS for SB 514; HCS for SCS for SB 515; HCS for SCS for SB 520; HCS for SB 521; HCS for SB 538; SB 540; HCS for SB 543; HCS for SB 544; SB 553; SB 556; HCS for SCS for SB 568; SB 575; SB 605; SRB 606; and SS for SCR 6,** begs leave to report that it has examined the same and finds that the bills and concurrent resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF CONCURRENT

RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCR 6** would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 4**; **HS** for **HCS** for **SCS** for **SB 10**; **SCS** for **SB 13**; **SB 25**; **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 48**; **SB 58**; **HCS** for **SB 86**; **SB 87**; **HS** for **HCS** for **SS** for **SCS** for **SBs 89** and **37**; **SB 110**; **SB 111**; **HCS** for **SB 130**; **SB 142**; **HCS** for **SCS** for **SB 178**; **SB 179**; **HCS** for **SS** for **SB 193**; **SCS** for **SB 197**; **SB 200**; **SB 201**; **SB 203**; **SB 207**; **SB 223**; **HCS** for **SB 227**; **SCS** for **SB 234**; **SCS** for **SB 241**; **SB 252**; **SCS** for **SB 270**; **CCS** for **HCS** for **SB 274**; **SB 275**; **SB 295**; **SCS** for **SB 301**; **SB 303**; **SB 316**; **SCS** for **SB 317**; **CCS** for **HCS** for **SB 319**; **HCS** for **SB 321**; **CCS** for **HS** for **SS** for **SCS** for **SBs 323** and **230**; **SCS** for **SB 341**; **HCS** for **SB 345**; **HCS** for **SB 348**; **SCS** for **SB 352**; **SB 353**; **SCS** for **SB 357**; **HS** for **SCS** for **SB 374**; **SCS** for **SB 383**; **SCS** for **SB 384**; **SCS** for **SB 387**; **SB 394**; **SB 406**; **SCS** for **SB 407**; **SB 435**; **SB 436**; **HCS** for **SB 441**; **SB 442**; **SB 451**; **CCS** for **HCS** for **SB 462**; **SB 470**; **SB 500**; **SCS** for **SB 514**; **HCS** for **SCS** for **SB 515**; **HCS** for **SCS** for **SB 520**; **HCS** for **SB 521**; **HCS** for **SB 538**; **SB 540**; **HCS** for **SB 543**; **HCS** for **SB 544**; **SB 553**; **SB 556**; **HCS** for **SCS** for **SB 568**; **SB 575**; **SB 605**; and **SRB 606**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE GOVERNORThe following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 23, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 619 entitled:

AN ACT

To repeal section 190.109, RSMo 2000, and to enact in lieu thereof four new sections relating to the state fair, with an emergency clause.

On May 23, 2001, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 619.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 23, 2001

TO THE SECRETARY OF THE SENATE

91st GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Committee Substitute for Senate Bill No. 382 entitled:

AN ACT

Relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

On May 23, 2001, I approved said House Committee Substitute for Senate Committee Substitute for Senate Bill No. 382.

Respectfully submitted,

BOB HOLDEN

Governor

On motion of Senator Foster, the Senate adjourned until 11:30 a.m., Tuesday, May 29, 2001.

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-EIGHTH DAY--TUESDAY, MAY 29, 2001

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

RESOLUTIONS

On behalf of Senator Loudon, Senator Kenney offered Senate Resolution No. 857, regarding Kathy Wilks, Chesterfield, which was adopted.

On behalf of Senator Loudon, Senator Kenney offered Senate Resolution No. 858, regarding Ann O'Connell, which was adopted.

On behalf of Senator Loudon, Senator Kenney offered Senate Resolution No. 859, regarding Dr. Nancy Howell, Wildwood, which was adopted.

On behalf of Senator Jacob, Senator Kenney offered Senate Resolution No. 860, regarding Dr. Billy N. Day, Columbia, which was adopted.

On behalf of Senator Sims, Senator Kenney offered Senate Resolution No. 861, regarding Carol Finley Hurt, Columbia, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **CCS No. 2 for HCS for SCS for SB 151; HS for HCS for SCS for SB 186; CCS No. 2 for HS for HCS for SCS for SB 236; CCS for HCS for SS for SB 244; CCS for HS for HCS for SCS for SB 266; CCS for HS for HCS for SS for SCS for SB 267; HS for HCS for SB 288; HS for SCS for SB 290; CCS for HS for HCS for SS for SCS for SB 369; HS for HCS for SB 371; CCS for HS for SCS for SB 393; and SB 430**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS No. 2 for HCS for SCS for SB 151; HS for HCS for SCS for SB 186; CCS No. 2 for HS for HCS for SCS for SB 236; CCS for HCS for SS for SB 244; CCS for HS for HCS for SS for SCS for SB 267; HS for HCS for SB 288; HS for SCS for SB 290; CCS for HS for HCS for SS for SCS for SB 369; HS for HCS for SB 371; CCS for HS for SCS for SB 393; and SB 430**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Loudon offered the following constitutional objection:

Constitutional Objection

I rise to invoke Senate Rule 67 on the bill before us:

Conference Committee Substitute for

House Substitute for

House Committee Substitute for

Senate Committee Substitute for

Senate Bill No. 266

I move that the same is in violation of Senate Rules 54 and 57 and as such, should not be signed by the presiding officer of the Senate.

This bill violates Rule 54 as it pertains to the constitutional prohibition against any bill being "so amended in its passage through the senate as to change its original purpose. (Constitution, Art. III, Sec. 21.) The original bill which the title described as "relating to a state systematic lupus erythematosus program in the department of health" left the senate in substantially the same form. It left the House committee with the title changed to "four new sections relating to the department of health." the HS title references "eight new sections relating to the department of health". The CCR title references "twenty-two new sections relating to the department of health" and includes adoption awareness laws, newborn screening language, blood born pathogen standards, health carrier information and laws, lead poisoning, as well as several other unrelated subjects that do not fall under the scope of the original bill.

This bill violates Rule 57 in that it contains more than one subject in violation of the constitution. (Constitution, Art. III, Sec. 23) The various titles attributed to this bill during the process bear witness to this fact. Additionally, the words in the title "relating to the department of health" are overly broad. Despite this, those topics nevertheless fail to encompass the state systematic lupus erythematosus program, in addition to the state arthritis program.

/s/ John Loudon

signed: John Loudon (S-7)

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HS** for **HCS** for **SCS** for **SB 266**, having passed both branches of the General Assembly, would be read at length by the Secretary, and signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HS** for **HJR 11**; **HB 1**; **CCS** for **SCS** for **HCS** for **HB 2**; **CCS** for **SCS** for **HCS** for **HB 3**; **CCS** for **SCS** for **HCS** for **HB 4**; **CCS** for **SCS** for **HCS** for **HB 5**; **CCS** for **SCS** for **HCS** for **HB 6**; **CCS** for **SCS** for **HCS** for **HB 7**; **CCS** for **SCS** for **HCS** for **HB 8**; **CCS** for **SCS** for **HCS** for **HB 9**; **CCS** for **SCS** for **HCS** for **HB 10**; **CCS** for **SCS** for **HCS** for **HB 11**; **CCS** for **SCS** for **HCS** for **HB 12**; **CCS** for **SCS** for **HCS** for **HB 13**; **CCS** for **SCS** for **HCS** for **HB 14**; **CCS** for **SCS** for **HB 16**; **SCS** for **HB 17**; **CCS** for **SCS** for **HCS** for **HB 18**; **CCS** for **SCS** for **HCS** for **HB 19**; **HB 45**; **HB 48**; **HB 78**; **CCS** for **SCS** for **HB 80**; **HB 84**; **HCS** for **HB 106**; **SCS** for **HS** for **HCS** for **HB 107**; **HB 129**; **SCS** for **HB 133**; **CCS No. 2** for **SS** for **SCS** for **HCS** for **HBs 144 and 46**; **CCS** for **SCS** for **HB 157**; **HB 163**; **HB 180**; **SS** for **SCS** for **HB 185**; **SCS** for **HB 202**; **SCS** for **HB 212**; **HB 218**; **SCS** for **HB 219**; **SCS** for **HB 236**; **CCS** for **SCS** for **HCS** for **HB 241**; **SCS** for **HB 242**; **HB 266**; **HCS** for **HB 279**; **CCS No. 2** for **SCS** for **HCS** for **HBs 302 and 38**; **HB 321**; **SS No. 2** for **SCS** for **HS** for **HCS** for **HBs 328 and 88**; **SCS** for **HB 361**; **HB 408**; **HB 409**; **HB 410**; **HB 420**; **HS** for **HCS** for **HB 425**; **HB 431**; **HCS** for **HBs 441, 94 and 244**; **CCS No. 2** for **SS** for **SCS** for **HB 453**; **HB 454**; **HB 458**; **SCS** for **HB 459**; **HB 470**; **CCS** for **SCS** for **HB 471**; **SCS** for **HB 473**; **CCS** for **SCS** for **HB 491**; **SCS** for **HB 498**; **SS** for **SCS** for **HB 501**; **HB 502**; **HB 537**; **CCS** for **SS** for **SCS** for **HCS** for **HB 567**; **SS** for **SCS** for **HB 575**; **HB 590**; **HB 596**; **HB 600**; **SCS** for **HB 603**; **SCS** for **HB 606**; **SCS** for **HB 607**; **CCS** for **HB 621**; **SCS** for **HB 644**; **SCS** for

HB 648, HB 477 and HB 805; SCS for HCS for HB 660; HB 664; HB 679; HB 691; SCS for HB 693; HB 725; HB 732; SS for HCS for HB 738; SCS for HB 742; HB 745; HB 779; HB 788; SCS for HB 796; SCS for HB 808 and HB 951; HB 816; HB 821; HB 825; HB 865; SCS for HB 881; HB 897; SCS for HB 904; HB 909; HB 922; HB 933; SCS for HB 945; HB 955; and SCS for HS for HCS for HB 1000, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator DePasco offered the following constitutional objection:

May 17, 2001

The Honorable Peter Kinder

Senate President Pro Tem

State Capitol, Room 326

Jefferson City, MO 65101

RE: Constitutional Objection to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 381

Dear Senator Kinder:

I hereby raise a formal constitutional objection pursuant to Article III, Section 30 of the Missouri Constitution to the signing of Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 381 based on the following:

1) Article III, Section 21 of the Missouri Constitution establishes a limitation on amendments: "no bill shall be so amended in its passage through either house as to change its original purpose". Missouri Senate Rule No. 54 reiterates this provision.

Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 381 violates Article III, Section 21 of the Missouri Constitution in that HB 381, as originally introduced, only addressed specific changes in Missouri law relating to the packaging and sale of imported cigarettes. The House Substitute, an amendment for the original bill, and the Truly Agreed To and Finally Passed Senate Substitute changed the original purpose of the bill by adding sections relating to cigarette sales tax refunds, retail restrictions on sales to persons under eighteen years of age and penalties for persons under eighteen years of age who attempt to purchase or possess cigarettes. See *Stroh Brewing Co. v. State*, 954, S.W.2d 323 (Mo. banc 1997)

2) Article III, Section 23 of the Missouri Constitution defines the limitation of the scope of bills: "No bill shall contain more than one subject which shall be clearly expressed in its title". Missouri Senate Rule No. 57 reiterates this provision.

Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 381 violates Article III, Section 23 of the Missouri Constitution in that the subject matter addressed in HB 381, as originally introduced, only relates to Chapter 149 of the Missouri Revised Statutes addressing cigarette tax. The House Substitute and the Truly Agreed To and Finally Passed Senate Substitute added two separate and distinct subjects dealing with Chapter 149 and Chapter 407, RSMo. The latter addresses merchandising practices of cigarettes by retailers to persons under eighteen years of age, and prohibits any person under eighteen years of age from purchasing, attempting to purchase or possessing cigarettes.

As cited in *Hammerschmidt v. Boone County*, 877 S.W.2d 98, and *Missouri Health Care Association v. Attorney General*, 953, S.W.2d 617 (Mo. banc 1997), Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 381 is unconstitutional because it violates the procedural requirement of Article III, Section 23 of the Missouri Constitution that "no bill shall contain more than one subject".

As cited in *Carmack v. Director, Missouri Department of Agriculture*, 945 S.W.2d 956, (MO. banc 1997), Senate Substitute for Senate Committee

Substitute for House Substitute for House Committee Substitute for House Bill No. 381 is unconstitutional because it violates the requirement of Article III, Section 23 of the Missouri Constitution that the subject matter of the bill "shall be clearly expressed in its title".

3) In addition to the violations of the Missouri Constitution outlined in paragraphs 1 and 2 above, Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 381 contains several provisions that violate the interstate commerce clause of the United States Constitution regarding state imposed restraint of trade actions on products that can be legally imported into the United States for sale in accordance with federal law. These restraint of trade issues are contained in Section 149.200 to 149.212 (new sections) of Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 381.

4) Sections 407.924 to 407.934 (new sections) contain provisions addressing the sale to, and possession of, cigarettes by persons under eighteen years of age. Section 407.924 directs the Division of Liquor Control to implement and enforce Sections 407.926 to 407.934. This section also requires the Division to submit an annual report to the General Assembly on the effectiveness of Sections 407.926 to 407.934 reduce underage smoking and the enforcement activities of the Division. These additions add a second subject matter to the bill and are therefore unconstitutional under Article III, Section 23 of the Constitution of Missouri.

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco

State Senator

District 11

Senator Loudon offered the following constitutional objection:

Constitutional Objection

I rise to invoke Senate Rule 67 on the bill before us:

Conference Committee Substitute for

Senate Substitute for

Senate Committee Substitute for

House Substitute for

House Committee Substitute for

House Bill No. 762

I move that the same is in violation of Senate Rules 54 and 57 and as such, should not be signed by the presiding officer of the Senate.

This bill violates Rule 54 as it pertains to the constitutional prohibition against any bill being "so amended in its passage through the senate as to change its original purpose. (Constitution, Art. III, Sec. 21.) The original bill which the title described as "relating to women's health services" evolved to include language concerning complaints against hospitals and surgical centers, issues which clearly are among other things, gender neutral.

This bill violates Rule 57 in that it contains more than one subject in violation of the constitution. (Constitution, Art. III, Sec. 23) Womens' health services is topic distinct from complaints against hospitals and ambulatory service centers. The former falls in chapter 354 while the latter falls in chapter 197.

/s/ John Loudon

signed: John Loudon (S-7)

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HS** for **HCS** for **HB 381** and **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 762**, having passed both branches of the General Assembly, would be read at length by the Secretary, and signed by the President Pro Tem to the end that they may become law. The bills were so read by the Secretary and signed by the President Pro Tem.

SIGNING OF CONCURRENT

RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HS** for **HCR 25** would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 4**; **HS** for **HCS** for **SCS** for **SB 10**; **SCS** for **SB 13**; **SB 25**; **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 48**; **SB 58**; **HCS** for **SB 86**; **SB 87**; **HS** for **HCS** for **SS** for **SCS** for **SBs 89** and **37**; **SB 110**; **SB 111**; **HCS** for **SB 130**; **SB 142**; **CCS** No. 2 for **HCS** for **SCS** for **SB 151**; **HCS** for **SCS** for **SB 178**; **SB 179**; **HS** for **HCS** for **SCS** for **SB 186**; **HCS** for **SS** for **SB 193**; **SCS** for **SB 197**; **SB 200**; **SB 201**; **SB 203**; **SB 207**; **SB 223**; **HCS** for **SB 227**; **SCS** for **SB 234**; **CCS** No. 2 for **HS** for **HCS** for **SCS** for **SB 236**; **SCS** for **SB 241**; **CCS** for **HCS** for **SS** for **SB 244**; **SB 252**; **CCS** for

HS for **HCS** for **SCS** for **SB 266**; **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 267**; **SCS** for **SB 270**; **CCS** for **HCS** for **SB 274**; **SB 275**; **HS** for **HCS** for **SB 288**; **HS** for **SCS** for **SB 290**; **SB 295**; **SCS** for **SB 301**; **SB 303**; **SB 316**; **SCS** for **SB 317**; **CCS** for **HCS** for **SB 319**; **HCS** for **SB 321**; **CCS** for **HS** for **SS** for **SCS** for **SBs 323** and **230**; **SCS** for **SB 341**; **HCS** for **SB 345**; **HCS** for **SB 348**; **SCS** for **SB 352**; **SB 353**; **SCS** for **SB 357**; **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 369**; **HS** for **HCS** for **SB 371**; **HS** for **SCS** for **SB 374**; **SCS** for **SB 383**; **SCS** for **SB 384**; **SCS** for **SB 387**; **CCS** for **HS** for **SCS** for **SB 393**; **SB 394**; **SB 406**; **SCS** for **SB 407**; **SB 430**; **SB 435**; **SB 436**; **HCS** for **SB 441**; **SB 442**; **SB 451**; **CCS** for **HCS** for **SB 462**; **SB 470**; **SB 500**; **SCS** for **SB 514**; **HCS** for **SCS** for **SB 515**; **HCS** for **SCS** for **SB 520**; **HCS** for **SB 521**; **HCS** for **SB 538**; **SB 540**; **HCS** for **SB 543**; **HCS** for **SB 544**; **SB 553**; **SB 556**; **HCS** for **SCS** for **SB 568**; **SB 575**; **SB 605**; and **SRB 606**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR

SS for **SCR 6**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

On motion of Senator Kenney, the Senate adjourned, pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-FIRST GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

FIRST EXTRA SESSION

OF THE

FIRST REGULAR SESSION

FIRST DAY--WEDNESDAY, SEPTEMBER 5, 2001

The Senate was called to order in Extra Session by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

"Do not fear, for I am with you, do not be afraid, for I am your God;" (Isaiah 41:10)

We come, O Lord, from our varied duties and time of rest to once more discern the needs of the People of Missouri. We do our business away from our chambers and ask that You provide Your Holy Spirit to guide and direct our thoughts and actions even here. May our decisions be just and provide help and the greatest amount of good among our people. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

COMMUNICATIONS FROM THE GOVERNOR

The President laid before the Senate the following proclamation from the Governor, reading of which was waived:

PROCLAMATION

WHEREAS, Missouri's senior population is going to grow over the next nine years from 13.5 percent of our state population to over 20 percent; and

WHEREAS, American seniors over the age of 65 take an average of over nine different medications, and much of our growing senior population is struggling with the dilemma of how to afford the skyrocketing cost of these medications on limited and fixed incomes, often finding that they have to make the unthinkable choice between food and medicine; and

WHEREAS, the federal government has repeatedly failed to adequately address the problem of the rising costs of prescription drugs, and these costs are expected to more than double by the end of the decade; and

WHEREAS, Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 14, passed by the General Assembly of the State of Missouri and signed into law in 1999, created an unexpectedly expensive prescription drug program that does not help those Missouri seniors who are least able to pay for needed medication; and

WHEREAS, in spite of my making prescription drug cost relief one of the major priorities of the first budget of my administration, no consensus was reached by the end of the last regular legislative session on what form a relief program would take, although the General Assembly did appropriate money to pay for the state cost of the first year of such a program; and

WHEREAS, I have appointed a special task force that is holding public hearings and reviewing the issue throughout the summer, and this special task force is charged with making recommendations to the members of the General Assembly for a fiscally-responsible prescription drug relief plan that helps the most needy Missouri seniors; and

WHEREAS, Missouri's Medicaid income eligibility and asset limits for the elderly are some of the lowest in the country, and raising these income guidelines, in conjunction with a new prescription drug relief program, will ensure that Missouri's lowest income seniors will have access to needed prescription drugs; and

WHEREAS, the United States Congress enacted the Economic Growth and Tax Reconciliation Relief Act of 2001 (P.L. 107-16) on June 7, 2001, and President George W. Bush thereafter signed into law P.L. 107-16; and

WHEREAS, Section 101(b)(1) of P.L. 107-16 was codified as Internal Revenue Code Section 6428, which contains provisions that will reduce the federal income tax paid by many individual taxpayers, including many Missouri residents, for the taxpayer's first taxable year beginning in 2001; and

WHEREAS, for many Missouri residents, the effect of this reduction in federal income tax liability will be a reduction in the federal income tax deduction provided by Section 143.171, RSMo, and an increase in the Missouri tax liability for the taxpayer's first taxable year beginning in 2001; and

WHEREAS, Missouri is one of only nine states that allows for a deduction for federal income tax paid, which reduces the tax liability for Missouri taxpayers, and this advantageous aspect of Missouri tax law will no longer operate to the benefit of Missouri taxpayers unless the General Assembly changes the tax law to respond to the passage of P.L. 107-16; and

WHEREAS, P.L. 107-16 was enacted after the time allowed by Article III, section 20(a) of the Constitution of the State of Missouri for the Ninety-First General Assembly to consider any bill to alleviate the increase in Missouri tax due to the enactment of P.L. 107-16; and

WHEREAS, the inability of the Ninety-First General Assembly to consider a bill to alleviate the increase in Missouri tax due to the enactment of P.L. 107-16 will keep some Missouri taxpayers from realizing the full benefit of federal tax relief, which was intended to put a sum of money directly back into the hands of the citizens of Missouri; and

WHEREAS, open access to and expansion of markets and market options is an essential element of agricultural enterprise; and

WHEREAS, in 1999, Conference Committee Substitute for House Substitute for Senate Bill No. 310 (hereinafter "SB 310") enacted provisions of law that may to some degree change the climate of business transactions between animal producers and processors; and

WHEREAS, in May of 2001, when court challenges to the law ceased and the price discrimination provisions of SB 310 became enforceable, animal processors limited purchases of Missouri fed animals to a grade and yield method, curtailing cash sale options for producers and causing severe economic hardship to Missouri's fed cattle and hog industries; and

WHEREAS, maintaining a strong and vital agricultural economy is critical to the long term health of our state, in both rural and urban areas; and

WHEREAS, the ability to negotiate price on a cash basis is an essential element of maintaining the stability of the market and profitability for both small and large producers; and

WHEREAS, all parties have been engaged in the development of specific compromise language that will reopen cash market options for Missouri producers; and

WHEREAS, Article IV, Section 9 of the Missouri Constitution authorizes the Governor on extraordinary occasions to convene the General Assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary; and

WHEREAS, the failure to create a new, fiscally-responsible prescription drug program, the passage of P.L. 107-16 and its subsequent, adverse effect on Missouri taxpayers, and the passage of SB 310 and its subsequent, adverse effect on Missouri's fed cattle and hog industries are extraordinary occasions as envisioned by Article IV, Section 9, of the Constitution of the State of Missouri.

NOW THEREFORE, on the extraordinary occasions that exist in the state of Missouri:

I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the Ninety-First General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m., Central Daylight Time, on September 5, 2001; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited

hereinafter as follows:

- To repeal Section 135.095, Section 208.010, and Section 208.151, RSMo, and to enact in lieu thereof a new section or new sections creating a prescription drug program for seniors, the state cost for the first year of which is funded by an appropriation made by the General Assembly of the State of Missouri during the first regular session of the Ninety-First General Assembly, and the state cost for all subsequent years of which is subject to appropriation pursuant to Article III, section 36, of the Constitution of the State of Missouri, and expanding Medicaid eligibility for seniors.
 - To amend Section 143.171.2, RSMo, to allow a deduction from Missouri taxable income for the credit against the individual's federal income allowed by Internal Revenue Code Section 6428, enacted as part of P.L. 107-16 on June 7, 2001, for the taxpayer's first taxable year beginning on or after January 1, 2001, but before January 1, 2002.
 - To amend Sections 277.200 to 277.212, RSMo, to offer protections to producers against unjust discrimination in pricing, unreasonable preferences in pricing, manipulating or controlling prices, monopoly control, and unlawful activities in pricing, with enforcement provisions, and to address private causes of legal action and treble damages for discrimination.
 - To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate.
 - Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have convened.

IN WITNESS WHEREOF, I have hereunto

set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 24th day of (SEAL) August, 2001.

/s/ Bob Holden

GOVERNOR

ATTEST:

/s/ Matt Blunt

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Johnson	Kenney	Kinder	Klarich
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--29			

Absent with leave--Senators			
Carter	House	Klindt	Sims
Westfall--5			

The Lieutenant Governor was present.

Photographers from KYTV, KOMU-TV and Channel 5 were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate of the Ninety-first General Assembly, First Regular Session, that the Secretary of Senate inform the House of Representatives that the Senate is duly convened in the First Extra Session of the First Regular Session and is ready for consideration of its business.

Senator Kenney moved that the above resolution be adopted, which motion prevailed.

Senator Kenney offered the following resolution, which was read:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate of the Ninety-first General Assembly, that the rules of the Senate, as adopted by the Ninety-first General Assembly, First Regular Session, be declared the rules of the First Extra Session of the First Regular Session.

Senator Kenney moved that the above resolution be adopted, which motion prevailed.

Senator Kenney offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 3

WHEREAS, the governor of the great state of Missouri, the Honorable Bob Holden, has called a Special Session of the Ninety-first General Assembly to convene one week prior to the official opening of the Veto Session on September 12, 2001; and

WHEREAS, the Senate Chamber has been undergoing extensive renovation since the end of the First Regular Session of the Ninety-first General Assembly, a project that will not be complete until the beginning of next year; and

WHEREAS, the members of the Missouri House of Representatives, under the leadership of Speaker Jim Kreider, have most graciously granted the Senate permission to use the facilities of House Committee Rooms 3 and 6 during the Special Session as well as the Veto Session; and

WHEREAS, all members of the Missouri Senate, under the leadership of President Pro Tem Peter Kinder, greatly appreciate the generosity extended to this legislative body during these important days of deliberation and wish to acknowledge the many hours of hard work contributed by the talented members of the House staff through their genuine concern to render prompt and efficient assistance; and

WHEREAS, the thirty-four Senators of the state of Missouri accept with deep gratitude the kind offer made by their illustrious colleagues in the House during this time of need:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously in expressing sincere appreciation to the Missouri House of Representatives for the compassionate manner in which they have responded to the temporary need of the Senate for an appropriate venue to conduct business during both the Special Session and the Veto Session; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Missouri House of Representatives.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1--By Steelman, Staples, Russell, Stoll, Mathewson, Johnson, Kenney, Quick, Kinder, Gibbons, Dougherty, Bentley, Klarich, Yeckel, Wiggins, Cauthorn, Childers, Caskey, Gross, Loudon, Goode and Foster.

An Act to repeal sections 135.095, 208.010 and 208.151, RSMo, and to enact in lieu thereof twelve new sections relating to a pharmaceutical investment program, with a contingent effective date and

an emergency clause.

SB 2--By Cauthorn, Mathewson, Russell, Gibbons, Foster, Johnson, Kinder, Rohrbach, Westfall, Childers, Steelman, Yeckel, Stoll, Klarich, Kenney, Scott, Staples, Wiggins and Klindt.

An Act to repeal sections 277.203 and 277.212, RSMo, relating to livestock packers, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

SB 3--By Gibbons, Childers, Caskey, Cauthorn, Kenney, Sims, Kinder, Yeckel, Steelman, Gross and Foster.

An Act relating to individual income tax treatment of federal credit or advance refund of federal credit allowed to individual taxpayers under section 6428 of the Internal Revenue Code for tax year 2001, with an emergency clause.

SB 4--By Singleton, Russell, Staples, Klarich, Kinder, Rohrbach and Loudon.

An Act to repeal section 135.095, RSMo, relating to a Missouri Senior Rx Program, and to enact in lieu thereof nine new sections relating to the same subject, with a contingent effective date for a certain section and an emergency clause.

SB 5--By Rohrbach and Singleton.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

SB 6--By Jacob, Goode and Caskey.

An Act to repeal sections 135.095, 208.010 and 208.151, RSMo, and to enact in lieu thereof ten new sections relating to a pharmaceutical investment program, with an emergency clause and penalty provision.

SB 7--By DePasco.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to income tax, with an emergency clause.

SB 8--By DePasco.

An Act to repeal section 143.171, RSMo, relating to income tax, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 9--By Wiggins.

An Act to repeal section 143.171, RSMo, and to enact in lieu thereof one new section relating to the deduction for federal income taxes, with an emergency clause.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Robert L. Abernathy, 102 North Tracy, Clinton, Henry County, Missouri 64735, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 22, 2001, while the Senate was not in session.

Barbara Adelman, Democrat, 541 Fox Ridge Road, St. Louis, St. Louis County, Missouri 63131, as a member of the Dam and Reservoir Safety Council, for a term ending June 25, 2002, and until her successor is duly appointed and qualified; vice, Jill Hamilton, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Solomon Agin, Republican, 14194 Parliament Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Betty Cunningham, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 2001, while the Senate was not in session.

Linda Allen, 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Edna Chavis, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

James R. Asahl, 2116 Tower Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, Charles Bonney, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 13, 2001, while the Senate was not in session.

Thomas E. Atkins, Republican, 3710 South Old Ridge Court, Columbia, Boone County, Missouri 65203, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Hugh Stephenson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

William J. Baker, Democrat, 12904 East 41st Terrace, Independence, Jackson County, Missouri 64055, as Chairman of the Board of Election Commissioners for Jackson County, for a term ending April 2, 2002, and until his successor is duly appointed and qualified; vice, William J. Baker, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Joan L. Berkman, Republican, 180 North Brentwood Boulevard, Clayton, St. Louis County, Missouri 63105, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until her successor is duly appointed and qualified; vice, Walter L. Friedhofen, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Mari Ann Bihr, 1004 Prospect, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Sandra S. Mazzocco, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 13, 2001, while the Senate was not in session.

Cheryl Lynn Bisbee, Republican, 330 North Askew, Kansas City, Jackson County, Missouri 64123, as a member of the Board of Election Commissioners for Kansas City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 2001, while the Senate was not in session.

John Blass, 104-19 East Green Meadows Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 9, 2001, while the Senate was not in session.

Diana M. Bourisaw, Ph.D., Republican, 3597 Kneff Farm Crossing, Imperial, Jefferson County, Missouri 63052, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until her successor is duly appointed and qualified; vice, Bailey Ray Henry, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

John Boyer, Republican, 24 Hickory Street, Viburnum, Iron County, Missouri 65566, as a member of the Dam and Reservoir Safety Council, for a term ending September 5, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Stephen C. Bradford, Democrat, 2924 Beaver Creek Drive, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Conservation Commission, for a term ending July 1, 2007, and until his successor is duly appointed and qualified; vice, William Herzog, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Emma Lou Brent, Republican, 12770 County Road 5070, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2005, and until her successor is duly appointed and qualified; vice, William Zielonko, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Cynthia N. Brookshire, 48902 North 9th Street, Ozark, Christian County, Missouri 65721, as a member of the Board of Geologist Registration, for a term ending April 11, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Eddie F. Brown, 106 Seabrook Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2003, and until his successor is duly appointed and qualified; vice, Eddie F. Brown, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 20, 2001, while the Senate was not in session.

Gail Brown-Rozelle, 4643 Tower Grove Place, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Delores Jeffries, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and

commissioned by me on June 29, 2001, while the Senate was not in session.

Tammy L. Brown, Republican, 2301 Southwest Tenth Street, Lee's Summit, Jackson County, Missouri 64081, as a member of the Board of Election Commissioners for Jackson County, for a term ending April 4, 2002, and until her successor is duly appointed and qualified; vice, Sharon Spence, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 13, 2001, while the Senate was not in session.

Shelley L. Burns, Route 2, Box 2615 H, Piedmont, Wayne County, Missouri 63957, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2002, and until her successor is duly appointed and qualified; vice, Susan Lamb, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and

commissioned by me on July 27, 2001, while the Senate was not in session.

Terry Butler, 211 Southeast 591 Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Head Injury Advisory Council, for a term ending July 1, 2003, and until his successor is duly appointed and qualified; vice, Dale Findlay, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 22, 2001, while the Senate was not in session.

Mark A. Byington, 4239 Patterson School Road, Bonne Terre, St. Francois County, Missouri 63628, as a member of the Peace Officers Standards and Training Commission, for a term ending October 3, 2003, and until his successor is duly appointed and qualified; vice, Bruce Scott, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Jesse C. Caudle, 50 Sunrise Drive, Winfield, Lincoln County, Missouri 63389, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice,

Yvonne Strauther, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 22, 2001, while the Senate was not in session.

Diliane M. Charles, 511 Bonhomme Forest Drive, St. Louis, St. Louis County, Missouri 63132, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Dr. Gary Wasserman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 22, 2001, while the Senate was not in session.

Theodore J. Cicero, Ph.D., 16 Highgate Road, St. Louis, St. Louis County, Missouri 63132, as a member of the Missouri Seed Capital Investment Board, for a term ending April 20, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 2001, while the Senate was not in session.

Sherri Coleman, 1207 Bellevue Avenue, St. Louis, St. Louis County, Missouri 63117, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, Janet Williams, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Joanne Collins, Republican, 4030 Bellefontaine Avenue, Kansas City, Jackson County, Missouri 64130, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Michael David Conner, 9063 Highway YY, Strafford, Greene County, Missouri 65757, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2003, and until his successor is duly appointed and qualified; vice, Patti J. Wright, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

H. Dwight Douglas, Republican, 1012 Bond Street, Neosho, Newton County, Missouri 64850, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Sandy S. Drummond, 16050 North Route U, Hallsville, Boone County, Missouri 65255, as a member of the State Committee for Interpreters, for a term ending November 5, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Sheila S. Dullum, 1456 East Farm Road 96, Springfield, Greene County, Missouri 68503, as a member of the Child Abuse and Neglect Review Board, for a term ending December 29, 2003, and until her successor is duly appointed and qualified; vice, Lorri J. Sheets, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Barbara A. Enneking, Republican, 8436 Big Bend Boulevard, St. Louis, St. Louis County, Missouri 63119, as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 29, 2001, while the Senate was not in session.

William L. Farr, Jr., 11818 Highway T, Marionville, Lawrence County, Missouri 65705, as the Missouri State Fire Marshal, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 9, 2001, while the Senate was not in session.

Adam B. Fischer, Democrat, 5345 Pin Oak Lane, Sedalia, Pettis County, Missouri 65301, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2002, and until his successor is duly appointed and qualified; vice, Lynn Ewing, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 22, 2001, while the Senate was not in session.

Terrie Jo Fox, 3724 Stanton, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 2001, while the Senate was not in session.

Bradley Freeman, 18 South Kingshighway, Apartment 2P, St. Louis City, Missouri 63108, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2002, and until his successor is duly appointed and qualified; vice, Willa Adelstein, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Gayle J. Fritz, 7350 Arlington Drive, St. Louis, St. Louis County, Missouri 63117, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, James Wettstaed, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 22, 2001, while the Senate was not in session.

William M. Fry, Jr., 8608 East 81st Street, Raytown, Jackson County, Missouri 64133, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Geraldine Madden, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 29, 2001, while the Senate was not in session.

James M. Giles, 6739 Charlotte Street, Kansas City, Jackson County, Missouri 64131, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, Sherry F. Hooper, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 13, 2001, while the Senate was not in session.

Mark Graviett, 9709 North Virginia Avenue, Kansas City, Clay County, Missouri 64155, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Ernest Simon, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 13, 2001, while the Senate was not in session.

Debra Foster Greene, 3608 Mall Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2003, and until her successor is duly appointed and qualified; vice, Mamie Rodgers, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 22, 2001, while the Senate was not in session.

Barbara Gulick, 7936 North Anita Drive, Kansas City, Jackson County, Missouri 64151, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 29, 2001, while the Senate was not in session.

Gale Hackman, Democrat, 246 Virginia Trail, Jefferson City, Cole County, Missouri 65109, as a member of the State Milk Board, for a term ending September 28, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 2001, while the Senate was not in session.

Richard Hanson, 1307 Dunbar Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Employees' Voluntary Life Insurance Commission, for a term ending October 7, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

John T. Howard, 2877 Woodbury Drive, St. Louis, St. Louis County, Missouri 63125, as a member of the Board of Geologist Registration, for a term ending April 11, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 14, 2001, while the Senate was not in session.

Yvonne Hunter, Republican, 21 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Yvonne Hunter, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 29, 2001, while the Senate was not in session.

Charles Ray Jackson, 117 Doehla Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2005, and until his successor is duly appointed and qualified; vice, Gary B. Kempker, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 13, 2001, while the Senate was not in session.

Rosa James, Democrat, 4207 Benton Boulevard, Kansas City, Jackson County, Missouri 64130, as a member of the Board of Election Commissioners for Kansas City, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Eugene Standifer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 14, 2001, while the Senate was not in session.

Audrey R. Jones, Democrat, 19 Washington Terrace, St. Louis City, Missouri 63112, as Chairperson and member of the Board of Election Commissioners for St. Louis City, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Audrey R. Jones, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Karen J. Jones, Republican, 7 Forest Oak Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Women's Council, for a term ending December 6, 2003, and until her successor is duly appointed and qualified; vice, Phyllis Baker, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Stephen A. Jordan, Ph.D., 2308 Jane Drive, Cape Girardeau, Cape Girardeau County, Missouri 63071, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2002, and until his successor is duly appointed and qualified; vice, Bill Hickie, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 2001, while the Senate was not in session.

Shera Kafka, 1504 Gold Leaf Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, Deborah A. Kerr, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 23, 2001, while the Senate was not in session.

Mark V. Kenney, Democrat, 5630 Brookside Boulevard, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Jeffrey A. Kerr, D.O., Republican, 11851 Arbor Circle, Rolla, Phelps County, Missouri 65401, as a member of the State Board of Senior Services, for a term ending August 30, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

M. Elizabeth Kingsley, Ph.D., Democrat, 14 Mohave Drive, Lake Winnebago, Cass County, Missouri 64034, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Timothy J. Klotz, 135 Anderson Street, St. Charles, St. Charles County, Missouri 63301, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Lai Lily Ko, Democrat, 8900 Chickasaw Drive, Olivette, St. Louis County, Missouri 63132, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Derick Driemeyer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 2001, while the Senate was not in session.

Glenda Kremer, County Road 403, Post Office Box 33, Loose Creek, Osage County, Missouri 65054, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Harry A. Kujath, Republican, 2101 Forest Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Andrea J. Lawrence, 2383 Baxton Way, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2001, and until her successor is duly appointed and qualified; vice, Alonzo Reed, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Lynda L. Lieberman, 1576 Meadowside Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2006, and until her successor is duly appointed and qualified; vice, James T. Mudd, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Maxine I. Lipeles, Democrat, 410 S. Meramec, Clayton, St. Louis County, Missouri 63105, as a member of the Hazardous Waste Management Commission, for a term ending April 27, 2005, and until her successor is duly appointed and qualified; vice, Margaret "Meg" A. Harding, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Linda M. Locke, Democrat, 6925 Cornell, University City, St. Louis County, Missouri 63130, as a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Vivian Schmidt, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 22, 2001, while the Senate was not in session.

Nicola Longford, 1114 Dover Place, St. Louis City, Missouri 63111, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until her successor is duly appointed and qualified; vice, Martha Clevenger, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 22, 2001, while the Senate was not in session.

Phillip Luebbering, Democrat, HCR 65, Box 388A, St. Thomas, Osage County, Missouri 65076, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2004, and until his successor is duly appointed and qualified; vice, Peter Hofherr, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 23, 2001, while the Senate was not in session.

Thomas M. Macdonnell, M.D., Democrat, 665 State Highway J, Marshfield, Webster County, Missouri 65706, as a member of the State Board of Health, for a term ending October 13, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 6, 2001, while the Senate was not in session.

Gary Maienschein, 2401 Yorktown Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Calvin Call, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Michael J. Marx, 4173 Fairburn Court, St. Louis, St. Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, Marie

Collins, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

W. Dudley McCarter, 338 Peekskill, St. Louis, St. Louis County, Missouri 63141, as a member of the Children's Trust Fund Board, for a term ending September 15, 2001, and until his successor is duly appointed and qualified; vice, W. Dudley McCarter, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Emmy L. McClelland, Republican, 455 Pasadena, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 23, 2001, while the Senate was not in session.

Arlene V. McClendon, 6231 Hancock Street, Berkeley, St. Louis County, Missouri 63134, as a member of the State Board of Barber Examiners, for a term ending April 5, 2004, and until her successor is duly appointed and qualified; vice, R.C. Robinson, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 22, 2001, while the Senate was not in session.

F. Leland McClure, III, Ph.D., 2110 Briargate Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Nolan McNeill, Democrat, 3010 Main, Cassville, Barry County, Missouri 65625, as a public member of the State Committee of Dieticians, for a term ending June 11, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Donald W. McNutt, 9439 Sappington Estates, Sunset Hills, St. Louis County, Missouri 63127, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2005, and until his successor is duly appointed and qualified; vice, Sam Carter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Cynthia Metcalfe, Democrat, 26 Upper Ladue Road, St. Louis, St. Louis County, Missouri 63124, as a member of the Conservation Commission, for a term ending July 1, 2007, and until her successor is duly appointed and qualified; vice, Ronald Stites, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

C. Lillian Metzger, Democrat, 30 Heritage Lane, Troy, Lincoln County, Missouri 63379, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Robert Louis Meyer, Republican, 13712 Business Highway 54, Bowling Green, Pike County, Missouri 63334, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, Charles "Ed" Evans, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Lynn R. Mims, Democrat, 5501 Bartmer, St. Louis City, Missouri 63112, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Betty Marver, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Douglas E. Mitchell, 500 Northwest 301 Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2002, and until his successor is duly appointed and qualified; vice, Wanda Terrell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 22, 2001, while the Senate was not in session.

Randy Mooney, Republican, 7725 East Farm Road 194, Rogersville, Greene County, Missouri 65742, as a member of the State Milk Board, for a term ending September 28, 2003, and until his successor is duly appointed and qualified; vice, Lester Evans, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Kristine M. Moranville, 10 Fountain Court, Florissant, St. Louis County, Missouri 63033, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 20, 2001, while the Senate was not in session.

Brian Munzlinger, Republican, R.R. 1, Box 204, Williamstown, Lewis County, Missouri 63473, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2005, and until his successor is duly appointed and qualified; vice, Phil E. Aylward, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Sherrie M. Nash, Democrat, 1820 Norton Avenue, Kansas City, Jackson County, Missouri 64127, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, Audrey Jones, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Robert P. Neumann, 5917 South State Highway ZZ, Republic, Greene County, Missouri 65738, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Marie S. Nowak, Democrat, 4333 Hannover Court, St. Louis, St. Louis County, Missouri 63123, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 22, 2001, while the Senate was not in session.

Linda M. Prewitt, 5855 Waterman Avenue, St. Louis City, Missouri 63112, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Angela S. Fowler-Allen, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Anne Carole Ream, O.D., Republican, 418 East Maple, West Plains, Howell County, Missouri 65775, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Anne Carole Ream, O.D., withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Tracy Maria Reed, D.P.M., 15651 Debridge Way, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2003, and until her successor is duly appointed and qualified; vice, Patricia Clark, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

James R. Ritter, Ed.D., 2611 Vistaview Terrace, Columbia, Boone County, Missouri 65203, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, James Jackson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 29, 2001, while the Senate was not in session.

Larry T. Sachse, Democrat, 15 Red Mill Court, St. Peters, St. Charles County, Missouri 63376, as a member of the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2006, and until his successor is duly appointed and qualified; vice, Deborah Tomich, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 13, 2001, while the Senate was not in session.

Melinda Dolan Sanders, Democrat, 810 Western Air, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Aurita Prince-Caldwell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 13, 2001, while the Senate was not in session.

Zoretta Schoonover, Democrat, 418 Lake Shore Drive, St. Clair, Franklin County, Missouri 63077, as a member of the Dam and Reservoir Safety Council, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

Joyce Shaul, 54598 Brickhouse Road, Jamestown, Moniteau County, Missouri 65046, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 20, 2001, while the Senate was not in session.

Elmo Shaw, Democrat, 8649 Highway 79, Louisiana, Pike County, Missouri 63353, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2004, and until his successor is duly appointed and qualified; vice, Gary Riedel, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Mary Hass Sheid, 1913 Cambridge Circle, West Plains, Howell County, Missouri 65775, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Wayman F. Smith III, Democrat, 6159 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the Harris-Stowe State College Board of Regents, for a term ending July 28, 2006, and until his successor is duly appointed and qualified; vice, Wayman F. Smith III, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 22, 2001, while the Senate was not in session.

Gregory Solum, 722 Troy Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 29, 2001, while the Senate was not in session.

Rollie Stadlman, Democrat, 1000 Adam Drive, Chillicothe, Livingston County, Missouri 64601, as a member of the Board of Regents for Northwest Missouri State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Frank H. Strong, Jr., term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 9, 2001, while the Senate was not in session.

Paula Penny Stringer, Republican, 8073 West Farm Road 168, Republic, Greene County, Missouri 65738, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Joanne Griffin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 27, 2001, while the Senate was not in session.

William "Bill" A. Stuart, Sr., Republican, 1530 East Rollins, Moberly, Randolph County, Missouri 65270, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Richard W. Sullivan, Democrat, 3847 Rue de Renard, Florissant, St. Louis County, Missouri 63034, as Chairman and a member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until his successor is duly appointed and qualified; vice, Richard W. Sullivan, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 14, 2001, while the Senate was not in session.

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Kathy A. Surratt-States, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Diedra C. Thompson, 2905 Greenbriar Drive, Columbia, Boone County, Missouri 65203, as a member of the Organ Donation Advisory Committee, for a term ending December 12, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 5, 2001, while the Senate was not in session.

John C. Tlappek, Republican, 271 White Oaks Lane, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Board of Regents for Southeast Missouri State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 30, 2001, while the Senate was not in session.

Mark C. Toomey, 214 Valleyview Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Charles W. Tyler, 4031 Botanical, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Gerald M. Shechter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 6, 2001, while the Senate was not in session.

Kirby VanAusdall, Democrat, 844 State Highway U, Caruthersville, Pemiscot County, Missouri 63830, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Jonathan B. Vanderbrug, 4459 Castleman Avenue, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Marilyn L. Robinson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 11, 2001, while the Senate was not in session.

Daniel L. Vornberg, 556 Purdue, St. Louis, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Daniel L. Vornberg, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 22, 2001, while the Senate was not in session.

James Bradford Willett, 8557 County Road 418, Hannibal, Marion County, Missouri 63401, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 29, 2001, while the Senate was not in session.

Jay M. Wilson, 2060 Hunters Lane, Sedalia, Pettis County, Missouri 65301, as the Student Representative of the Board of Governors for Central Missouri State University, for a term ending May 30, 2003, and until his successor is duly appointed and qualified; vice, Erin Wilson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 31, 2001, while the Senate was not in session.

William H. Worley, Democrat, 1243 West 64th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, Avis Parman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 1, 2001, while the Senate was not in session.

Pamela S. Wright, Republican, 893 Alanson, University City, St. Louis County, Missouri 63132, as Secretary and member of the Board of Election Commissioners for St. Louis County, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, Pamela S. Wright, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 14, 2001, while the Senate was not in session.

Judy A. Zakibe, Republican, 3216 Regal Place, St. Louis City, Missouri 63139, as Secretary and member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Judy A. Zakibe, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned

by me on August 23, 2001, while the Senate was not in session.

Benedict K. Zobrist, Ph.D., 71-B T Street, Lake Lotawana, Jackson County, Missouri 64086, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

On motion of Senator Kenney, the Senate adjourned until 8:30 a.m., Thursday, September 6, 2001.

SENATE CALENDAR

SECOND DAY-THURSDAY, SEPTEMBER 6, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Steelman, et al

SB 2-Cauthorn, et al

SB 3-Gibbons, et al

SB 4-Singleton, et al

SB 5-Rohrbach and Singleton

SB 6-Jacob, et al

SB 7-DePasco

SB 8-DePasco

SB 9-Wiggins

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SECOND DAY--THURSDAY, SEPTEMBER 6, 2001

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 1--Public Health and Welfare.

SB 2--Agriculture, Conservation, Parks and Tourism.

SB 3--Ways and Means.

SB 4--Public Health and Welfare.

SB 5--Public Health and Welfare.

SB 6--Public Health and Welfare.

SB 7--Ways and Means.

SB 8--Ways and Means.

SB 9--Ways and Means.

On motion of Senator Kenney, the Senate recessed until 12:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

Reverend Carl Gauck offered the following prayer:

"Lo, this is our God: we have waited for him...Let us be glad and rejoice in his salvation." (Isaiah 25:9)

Abba, Father, we call upon You this day as we wait upon the things we have been called to do this special session. Be with us and help us to appreciate the smallest details for they often make up our work and the very things that can help our people. And humble us with the vastness of Your creative Word so we can see our proper place within it. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel--31	
Absent with leave--Senators			
Carter	Sims	Westfall--3	
The Lieutenant Governor was present.			

Senator Rohrbach assumed the Chair.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 4, regarding the Mid-America Association for Institutional Research, which was adopted.

Senators Stoll and Staples offered Senate Resolution No. 5, regarding John "Bud" Skiadas, Crystal City, which was adopted.

Senators Stoll and Staples offered Senate Resolution No. 6, regarding Steve Siracusa, Crystal City, which was adopted.

Senator Kinder offered Senate Resolution No. 7, regarding Mrs. Phyllis Schlafly, which was adopted.

Senator Kinder offered Senate Resolution No. 8, regarding National Day of the Republic of China, which was adopted.

Senator Klarich offered Senate Resolution No. 9, regarding Corrections Officer I Herbert Krattli, New Haven, which was adopted.

Senator Klarich offered Senate Resolution No. 10, regarding Corrections Officer III Fred Elder, Villa Ridge, which was adopted.

Senator Klarich offered Senate Resolution No. 11, regarding Corrections Officer I Floyd Kean, Mineral Point, which was adopted.

Senators DePasco, Wiggins and Quick offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 12

WHEREAS, the members of the Missouri Senate welcome each and every opportunity to acknowledge milestone events in the lives of Show-Me State residents who have garnered an exceptional reputation for the diversity and excellence of their community service record; and

WHEREAS, Goin' Dutch 2001 will be held on Thursday, September 6, 2001, at the Marriott-Muehlebach in Kansas City, Missouri, as a fund-raising dinner designed to provide the financial underpinnings necessary to create the "Dutch" Newman Voter Education and Scholarship Foundation; and

WHEREAS, honoring its namesake, Hila "Dutch" Newman, the Voter Education and Scholarship Foundation will function as a non-partisan, non-profit organization under the auspices of the Greater Kansas City Community Foundation in order to provide for innovative voter education and registration opportunities, scholarship funding, and the establishment of the Newman Fellows, a program focusing on the voting youth of today; and

WHEREAS, Dutch Newman has an enduring record of devotion to politics at the local, state, and national levels through her lifelong membership in the Democratic Party; and

WHEREAS, presently a member of the Democratic State Committee and its Executive Board and a Democratic Committeewoman for the Fifth Ward in Jackson County, Dutch Newman is also Chairperson of House District 38, Secretary for the Fifth Congressional District, and President of the Westport Landing Democratic Club; and

WHEREAS, Dutch Newman is a former President of the State of Missouri Federation of Women's Democratic Clubs who has represented the state at six National Democratic Conventions and enjoyed a considerable number of awards and honors, including being named a "Statesman" by then-Governor Joseph Teasdale and selected for the Harry S Truman Award and Woman of the Year Award by the Women's Fifth District:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the impressive, ongoing legacy of community service so unselfishly developed by "Dutch" Newman and to convey to her this legislative body's heartiest congratulations and best wishes upon the establishment of the Dutch Newman Voter Education and Scholarship Foundation in her honor on September 6, 2001; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in recognition of Hila "Dutch" Newman and her unstinting spirit of community service.

Senator Kenney offered Senate Resolution No. 13, regarding Ryan Lewis Simcosky, Independence, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agri-culture, Conservation, Parks and Tourism, to which was referred **SB 2**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Pro Tem Kinder assumed the Chair.

Senator Kenney requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking up **SB 2** for perfection, which request was granted.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 2** be taken up for perfection, which motion prevailed.

Senator Cauthorn moved that **SB 2** be declared perfected and ordered printed.

Senator House requested a roll call vote be taken on the perfection of **SB 2** and was joined in his request by Senators Childers, Gross, Johnson and Mathewson.

SB 2 was declared perfected and ordered printed by the following vote:

YEAS--Senators

Bentley
Childers

Bland
DePasco

Caskey
Dougherty

Cauthorn
Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Scott	Singleton
Staples	Steelman	Stoll	Wiggins
Yeckel--29			

NAYS--Senators--None

Absent--Senators

Rohrbach

Schneider--2

Absent with leave--Senators

Carter

Sims

Westfall--3

Senator Klarich assumed the Chair.

REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 4-26 of the Senate Journal for Wednesday, September 5, 2001, to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

Senator Schneider submitted the following:

Legislative Power

- *State Auditor v. Joint Committee on Legislative Research*, 956 S.W.2d 228 (Mo. banc 1997)("All the power to make laws in the name and with the authority of its constituent elements - its citizens en masse - is lodged in the...Legislature, subject only to the restraining clauses of the Constitutions of the state and nation. The power of the legislature to make laws is plenary within its sphere of responsibility.")
- *The Board of Education of the City of St. Louis v. The City of St. Louis*, 879 S.W.2d 530 (Mo. banc 1994)("Unlike the Congress of the United States, which has only that power delegated by the United States Constitution, the legislative power of Missouri's General Assembly, under Article III, Section 1 of the Missouri Constitution, is plenary, unless, of course, it is limited by some other provision of the constitution. Any constitutional limitation, therefore, must be strictly construed in favor of the power of the General Assembly.")
- *Bergman v. Mills*, 988 S.W.2d 84 (Mo. App. 1999)("The Missouri constitution, unlike the federal constitution, does not grant legislative power to the General Assembly, but rather is a limitation thereon. Thus, except for restrictions imposed by the Missouri constitution and statutes enacted by the General Assembly, the power of the state legislature is unlimited and practically absolute.")

Senator Klarich submitted the following:

Missouri Constitution

Article III

LEGISLATIVE DEPARTMENT

Section 20

December 7, 2000

Regular sessions of assembly--quorum--compulsory attendance --public sessions--limitation on power to adjourn.

Section 20. The general assembly shall meet on the first Wednesday after the first Monday in January following each general election. The general assembly may provide by law for the introduction of bills during the period between the first day of December and the first Wednesday after the first Monday of January.

The general assembly shall reconvene on the first Wednesday after the first Monday of January after adjournment at midnight on May thirtieth of the preceding year. A majority of the elected members of each house shall constitute a quorum to do business, but a smaller number may adjourn

from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide. The sessions of each house shall be held with open doors, except in cases which may require secrecy but not including the final vote on bills, resolutions and confirmations. Neither house shall, without the consent of the other, adjourn for more than ten days at any one time, nor to any other place than that in which the two houses may be sitting.

Source: Const. of 1875, Art. IV §§ 18, 19, 20, 23. (Amended November 3, 1970) (Amended November 8, 1988)

On motion of Senator Kenney, the Senate recessed until 4:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 2**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 3**, **SB 8** and **SB 9**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Kenney requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of taking up **SB 3**, **SB 8** and **SB 9**, with **SCS**, for perfection, which request was granted.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 3**, **SB 8** and **SB 9**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 3, 8** and **9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 3, 8 and 9

An Act relating to individual income tax treatment of federal credit or advance refund of federal credit allowed to individual taxpayers under section 6428 of the Internal Revenue Code for tax year 2001, with an emergency clause.

Was taken up.

President Pro Tem Kinder assumed the Chair.

Senator Gibbons moved that **SCS** for **SBs 3, 8** and **9** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 3, 8 and 9, Page 1, Section 1, Line 9, by inserting after the

period "." on said line the following: **"An individual with an adjusted gross income of more than thirty-one thousand dollars and those filing a combined return with an adjusted gross income of more than sixty-two thousand dollars shall not be eligible for the deduction authorized in this section."**

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Klarich, Mathewson, Stoll and Wiggins.

Senator Klarich assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS--Senators			
Bland	Caskey	Dougherty	Goode
Jacob	Schneider--6		
NAYS--Senators			
Bentley	Cauthorn	Childers	Gibbons
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Scott
Staples	Steelman	Stoll	Wiggins
Yeckel--21			
Absent--Senators			
Loudon	Singleton--2		
Absent with leave--Senators			
Carter	DePasco	Foster	Sims
Westfall--5			

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 3, 8 and 9, Page 1, Section 1, Line 2, by striking the phrase: "for all tax years" and substitute "for the tax year".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 3, 8 and 9, Page 1, In the Title, Line 2, by inserting immediately before said line the following: "To repeal sections 143.111 and 143.171, RSMo,"; and further amend line 5 of said title, by inserting immediately after "2001," the following: "and to enact in lieu thereof three new sections relating to the same subject,"; and

Further amend said bill and page, section 1, line 1 of said section, inserting immediately before said line the following:

"Section A. Sections 143.111 and 143.171, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 143.111, 143.171 and 1, to read as follows:

143.111. **1. For all tax years ending on or before December 31, 2001**, the Missouri taxable income of a resident shall be such resident's Missouri adjusted gross income less:

(1) Either the Missouri standard deduction or the Missouri itemized deduction;

- (2) The Missouri deduction for personal exemptions;
- (3) The Missouri deduction for dependency exemptions;
- (4) The deduction for federal income taxes provided in section 143.171; and
- (5) The deduction for a self-employed individual's health insurance costs provided in section 143.113.

2. For all tax years beginning on or after January 1, 2002, the Missouri taxable income of a resident shall be such resident's Missouri adjusted gross income less:

- (1) Either the Missouri standard deduction or the Missouri itemized deduction;**
- (2) The Missouri deduction for personal exemptions;**
- (3) The Missouri deduction for dependency exemptions; and**
- (4) The deduction for a self-employed individual's health insurance costs provided in section 143.113.**

143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, **and ending on or before December 31, 2001**, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after September 1, 1993, **and ending on or before December 31, 2001**, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend said bill, page 1, section A, line 1 of said section, by striking "Section A" and inserting in lieu thereof the following: "Section B".

Senator Schneider moved that the above amendment be adopted.

Senator Singleton assumed the Chair.

Senator Gibbons raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope of the

pending legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Gibbons moved that **SCS** for **SBs 3, 8 and 9**, as amended, be adopted.

Senator Schneider requested a roll call vote be taken on the adoption of **SCS** for **SBs 3, 8 and 9**, as amended, and was joined in his request by Senators Goode, Klarich, Mathewson and Wiggins.

SCS for **SBs 3, 8 and 9**, as amended, was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
Gibbons	Gross	House	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Scott	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Dougherty	Goode	Schneider--3	
Absent--Senators			
Bland	Jacob--2		
Absent with leave--Senators			
Carter	DePasco	Foster	Sims
Westfall--5			

Senator Klarich assumed the Chair.

On motion of Senator Gibbons, **SCS** for **SBs 3, 8 and 9**, as amended, was declared perfected and ordered printed.

Senator Gross assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SBs 4, 1, 5 and 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Friday, September 7, 2001.

SENATE CALENDAR

THIRD DAY-FRIDAY, SEPTEMBER 7, 2001

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 2-Cauthorn, et al

SENATE BILLS FOR PERFECTION

SBs 4, 1, 5 & 6-Singleton, et al,
with SCS

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

THIRD DAY--FRIDAY, SEPTEMBER 7, 2001

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

Oswald Chambers stated: "It is not so true that 'prayer changes things' as that prayer changes me and I change things."

Heavenly Father, as we pray this morning let us be mindful that prayer can and will change us. If we take serious what we pray for and allow Your Spirit to change us we may well allow our actions to follow the path that You would have us take both here and among the people You have given us to love. Lord let it be so among us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KY3 and KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Gibbons
Goode	Gross	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Steelman	Stoll	Wiggins	Yeckel--28

Absent with leave--Senators

Carter	Foster	House	Sims
Staples	Westfall--6		

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 3, 8 and 9**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 3, 8 and 9** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 4, SB 1, SB 5 and SB 6**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 4, 1, 5 and 6**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 4, 1, 5 and 6

An Act to repeal section 135.095, RSMo, relating to a Missouri Senior Rx Program, and to enact in lieu thereof ten new sections relating to the same subject, with a contingent effective date for a certain section and an emergency clause.

Was taken up.

Senator Singleton moved that **SCS** for **SBs 4, 1, 5 and 6** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 3, Section 208.550, Line 18, by inserting after all of said line the following:

""(8) Generic drugs", a chemically equivalent copy of a brand-name drug whose patent has expired and there must be three sources of the product. Drug formulations must be of identical composition with respect to the active ingredient and meet official standards of identity, purity, and quality of active ingredient;"; and

Further amend said bill and section, Page 4, Lines 59 to 62, by striking all of said lines; and further amend said section by renumbering all subdivisions accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 6, Section 208.553, Line 32, by inserting at the beginning of said line the following:

"In making the initial appointment to the committee, the governor, president pro tem, and speaker shall stagger

the terms of the appointees so that four members serve initial terms of two years, four members serve initial terms of three years, four members serve initial terms of four years and one member serves an initial term of one year. All members appointed thereafter shall serve three-year terms. All members shall be eligible for reappointment."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 6, Section 208.553, Line 47, by adding after all of said line, the following:

";

(5) Shall have rulemaking authority for the implementation and administration of the program."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 11, Section 208.565, Line 4, by adding after all of said line, the following:

"A certificate of participation shall remain in effect for an initial period of not less than one year and shall be automatically renewed unless terminated by either the manufacturer or the state with sixty days notification."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Singleton offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 7, Section 208.556, Line 5, by deleting the word "The"; and

Further amend said section, page 7, lines 6-14, by deleting all of said lines, and renumber the remaining subsections accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 1, In the Title, Line 4, by inserting

immediately after the word "section" the following: ", an expiration date"; and

Further amend said bill, Page 13, Section B, Line 5, by inserting immediately after said line the following:

"Section C. This act shall expire on June 30, 2005."

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 11, Section 208.565(2), Line 27, by inserting after the word "provided" the following: "and the Division of medical services for rebate administration".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 4, Section 208.550, Lines 63-66, by deleting said lines and renumbering the remaining subdivisions accordingly.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 6, Section 208.553, Line 47, by adding at the end of said line, the following:

";

(5) The Commission shall utilize the definition of "generic drugs" as defined pursuant to section 208.550 as a general guideline and the Commission may revise such definition, by rule, for the purpose of maximizing the use of generic drugs in the program".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Steelman offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 3, Section 135.095, Line 18, by inserting after all of said line the following:

"208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband

and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of subsection 2 of this section shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand **five hundred** dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand **five hundred** dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an

irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

- (1) A claimant or person for whom benefits are claimed; or
- (2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

- (1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;
- (2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;
- (3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;
- (4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;
- (5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and
- (6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

- (1) All recipients of state supplemental payments for the aged, blind and disabled;
- (2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;
- (3) All recipients of blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (7) All persons eligible to receive nursing care benefits;
- (8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;
- (10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;
- (11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;
- (13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;
- (14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of

42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter

shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973[, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services]; **except that, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a (r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level.** If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii);

(27) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1.

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 10** is out of order under the provisions of Senate Rule 57.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Steelman offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 3, Section 135.095, Line 18, by inserting after all of said line the following:

"208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining

eligibility for more than sixty months;

(2) The provisions of subdivision (1) of subsection 2 of this section shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand **five hundred** dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand **five hundred** dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated

in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

- (1) A claimant or person for whom benefits are claimed; or
- (2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

- (1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;
- (2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;
- (3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;
- (4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;
- (5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and
- (6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence

of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to

pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973[, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services]; **except that, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a (r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level.** If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii);

(27) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1.

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six

months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend page 1, title, line 2, by deleting "a Missouri Senior Rx Program" and inserting in lieu thereof "medical assistance"; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 11** is out of order under the provisions of Senate Rule 57 as it adds an additional subject matter to the bill and, further, that the title cannot be changed for the purpose of making an amendment germane.

The point of order was referred to the President Pro Tem.

Senator Jacob raised the point of order that the point of order raised by Senator Rohrbach is out of order as he failed to state the bill number to which he is raising the point of order.

The point of order was referred to the President Pro Tem.

At the request of Senator Steelman, **SA 11** was withdrawn, rendering the points of order moot.

Senator Dougherty offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 1, In the Title, Line 2, by deleting the words "a Missouri Senior Rx Program" and inserting in lieu thereof the following: "**medical assistance for the elderly**".

Senator Dougherty moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 12** is out of order under the provisions of Senate Rule 57, as it expands the subject matter of the bill.

The point of order was referred to the President Pro Tem.

Senator Jacob raised the point of order that the point of order raised by Senator Singleton is out of order as it is not specific enough in that he failed to state which title of the four bills he refers to in his point of order.

The point of order was referred to the President Pro Tem.

President Pro Tem Kinder ruled the point of order raised by Senator Jacob not well taken and the point of order raised by Senator Singleton not well taken.

SA 12 was again taken up.

Senator Dougherty moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 11, Section 208.565, Line 24, by inserting after the word "division" the following: "**or any other state agency or contractor therein**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Pages 1-2, Section 135.094, Lines 1-42, by striking all of said section from the bill; and

Further amend said bill, Page 3, Section 208.550, Lines 17-18, by striking all of said lines; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, Pages 6-7, Section 208.553, Lines 52-54, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Gibbons assumed the Chair.

President Maxwell assumed the Chair.

Senator Steelman offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 3, Section 135.095, Line 18, by inserting after all of said line the following:

"208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the

division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of subsection 2 of this section shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of one thousand **five hundred** dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed two thousand **five hundred** dollars; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife,

exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

- (a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;
- (b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and
- (c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;
- (16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;
- (17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;
- (18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;
- (19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;
- (20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the

expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973[, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services]; **except that, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a (r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level.** If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of

"medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii);

(27) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1.

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 15** is out of order under the provisions of Senate Rule 57.

The point of order was referred to the President Pro Tem, who took it under advisement. This placed **SB 4, SB 1, SB 5, SB 6**, with **SCS, SA 15** and the point of order (pending) on the Informal Calendar.

On motion of Senator Kenney, the Senate recessed for approximately 45 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

President Pro Tem Kinder was recognized to rule on the pending point of order on **SA 15** to **SCS** for **SBs 4, 1, 5** and **6**.

At the request of Senator Rohrbach, the point of order was withdrawn.

SA 15 was again taken up.

Senator Singleton offered **SSA 1** for **SA 15**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 3, Section 135.095, Line 18, by inserting after all of said line the following:

"208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of subsection 2 of this section shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources in the sum of **one thousand dollars or more or, for a person sixty-five years old or older, one thousand five hundred dollars or more**; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed **two thousand dollars or more or, for a person sixty-five years old or older, two thousand five hundred dollars**; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

- (1) A claimant or person for whom benefits are claimed; or
- (2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

- (1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;
- (2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;
- (3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;
- (4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;
- (5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and
- (6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of

institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to

the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health and senior services. The department of social services shall by

regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973[, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services]; **except that, for persons sixty-five years old or older, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a (r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level.** If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii);

(27) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1.

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such

family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above substitute amendment be adopted.

Senator Steelman offered **SA 1** to **SSA 1** for **SA 15**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 15

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 15 to Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 4, Section 208.010, Line 9, by adding after the word "resources" the following: "**on or after July 1, 2002**"; and further amend page 17, Section 208.151, line 27, by adding after the word "that" the following: ", **on or after July 1, 2002**".

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

SSA 1 for **SA 15**, as amended, was again taken up.

Senator Singleton moved that the above amendment be adopted.

Senator Dougherty requested a roll call vote be taken on the adoption of **SSA 1** for **SA 15**, as amended, and was joined in his request by Senators Bland, Jacob, Steelman and Stoll.

SSA 1 for **SA 15**, as amended, was adopted by the following vote:

YEAS--Senators

Cauthorn	Goode	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Singleton

Yeckel--17

	NAYS--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Gibbons	Jacob
Steelman	Stoll	Wiggins--11	
	Absent--Senators--None		
	Absent with leave--Senators		
Carter	Foster	House	Sims
Staples	Westfall--6		

Senator Klarich offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 7, Section 208.556, Lines 31-35, by striking said line; and

Further amend said bill and section, Page 8, Lines 36 to 40, by striking said lines and inserting in lieu thereof the following:

"5. Any senior in the state of Missouri may enroll in the program. After expending twenty-five percent of their annual household income on prescription drugs as a deductible, a senior may qualify for the program provided the amount expended on prescription drugs minus their household income is equal to or less than the limit required to qualify for participation in the program, pursuant to section 208.556."; and further amend line 62, by striking the semi-colon ";" at the end of said line and inserting in lieu thereof a period "."; and further amend lines 63 to 68, by striking said lines; and

Further amend said bill and section, Page 9, Line 76, by striking the word "and" as it appears at the end of said line; and further amend lines 77 to 80, by striking said lines.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 17**, which was read:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 6, Section 208.553, Line 23, by deleting all of said line and inserting in lieu thereof the following:

"(c) A person knowledgeable and experienced in the field of pharmacy benefits and pharmacy cost management; and".

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 17** was withdrawn.

Senator Jacob offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 12, Section 208.571, Line 7, by striking the words "quasi-public agency created to" and inserting in lieu thereof, the following: **"public or private agency. The purpose of the clearinghouse shall include, but not be limited to:"**; and

Further amend said page, said section, lines 13-14, by striking all of said lines and inserting in lieu thereof the following:

"2. The administration of the clearinghouse shall include, but not be limited to:

- (1) Providing a one-stop-shopping clearinghouse for all information for seniors regarding prescription drug coverage programs and health insurance issues;**
- (2) Targeting outreach and education including print and media, social service and health care providers to promote the program;**
- (3) Maintaining a toll free 800-phone number staffed by trained customer service representatives;**
- (4) Providing the state with measurable data to identify the progress and success of the program, including but not limited to, the number of individuals served, length and type of assistance, follow-up and program evaluation."; and**

Further amend pages 12-13, Section 208.571, lines 15-20, by striking all of said lines.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 13, Section 208.571, Line 20, by inserting after all of said line the following:

"376.815. No health carrier, as defined in section 376.1350, shall change its drug formulary except pursuant to a United States Department of Health and Human Services Food and Drug Administration recommendation or at the beginning of each policy annual anniversary date. A health carrier, however, may add new prescription drugs to its formulary during such period. No health carrier shall increase an enrollee's co-payment, co-insurance or other out-of-pocket expense for formulary drugs except at the beginning of each policy annual anniversary date."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 19** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Rohrbach offered **SA 20**, which was read:

SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 7, Section 208.556, Line 18, by inserting immediately after the "," on said line the following: "therapeutic substitution of pharmaceuticals,".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Bland offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 6, Section 208.553, Line 19, by striking the word "four" and inserting in lieu thereof the word "six"; and

Further amend said page, said section, line 24, by adding after all of said lines the following:

"; and

(e) Two African-American Legislators; one member of the Senate and one member from the House;"; and

Further amend said page, said section, line 23, by striking the word "and".

Senator Bland moved that the above amendment be adopted.

Senator Childers offered **SSA 1** for **SA 21**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 6, Section 208.553, Line 19, by striking the word "four" and inserting in lieu thereof, the word "five"; and

Further amend said page, said section, line 24, by adding after all of said lines the following:

"; and

(e) One African-American Legislator from the House or Senate"; and

Further amend said page, said section, line 23, by striking the word "and".

Senator Childers moved that the above substitute amendment be adopted.

At the request of Senator Childers, the above substitute amendment was withdrawn.

SA 21 was again taken up.

Senator Childers offered **SSA 2** for **SA 21**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 5, Section 208.553, Line 14, by inserting after all of said line the following:

"(3) One of the Legislator members shall be African-American;"; and

Renumber remaining sections accordingly.

Senator Childers moved that the above substitute amendment be adopted.

Senator Bland requested a roll call vote be taken on the adoption of **SSA 2** for **SA 21** and was joined in her request by Senators Childers, Johnson, Stoll and Wiggins.

SSA 2 for **SA 21** failed of adoption by the following vote:

YEAS--Senators

Bentley	Cauthorn	Childers	Gibbons
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Singleton	Steelman--14		

	NAYS--Senators		
Bland	Caskey	DePasco	Dougherty
Goode	Gross	Jacob	Mathewson
Quick	Schneider	Scott	Stoll
Wiggins	Yeckel	Lt. Gov. Maxwell--15	
	Absent--Senators--None		
	Absent with leave--Senators		
Carter	Foster	House	Sims
Staples	Westfall--6		

SA 21 was again taken up.

Senator Kinder requested a roll call vote be taken on the adoption of **SA 21** and was joined in his request by Senators Klarich, Kenney, Rohrbach and Russell.

Senator Schneider offered **SA 1** to **SA 21**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 21

Amend Senate Amendment No. 21 to Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Line 6, by striking the words "African-American Legislators" and substitute: "African-Americans".

Senator Schneider moved that the above amendment be adopted, which motion failed.

SA 21 failed of adoption by the following vote:

	YEAS--Senators		
Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Goode	Jacob
Mathewson	Quick	Schneider	Stoll
Wiggins--13			
	NAYS--Senators		
Cauthorn	Gibbons	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Scott
Singleton	Steelman	Yeckel--15	
	Absent--Senators--None		
	Absent with leave--Senators		
Carter	Foster	House	Sims
Staples	Westfall--6		

Senator Singleton offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 10, Section 208.562, Line 7, by deleting the words "pharmaceutical investment" and further amend said page, said section, line 8, by deleting the words "program for seniors" and inserting in lieu thereof, the following: "**Missouri Senior Rx Program**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Jacob offered **SA 23**, which was read:

SENATE AMENDMENT NO. 23

Amend Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 and 6, Page 13, Section 208.571, Line 20, by inserting after all of said line the following:

"Section 1. All of the provisions of sections 135.094, 135.095, 208.550, 208.553, 208.556, 208.559, 208.562, 208.565, 208.568 and 208.571 are severable. If any provisions of sections 135.094, 135.095, 208.550, 208.553, 208.556, 208.559, 208.562, 208.565, 208.568 and 208.571 are found by a court of competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions shall be and remain valid."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Singleton moved that **SCS** for **SBs 4, 1, 5 and 6**, as amended, be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SBs 4, 1, 5 and 6**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 2, introduced by Senator Cauthorn, et al, entitled:

An Act to repeal sections 277.203 and 277.212, RSMo, relating to livestock packers, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Cauthorn, **SB 2** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Gibbons
Gross	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Steelman
Stoll	Wiggins	Yeckel--27	

NAYS--Senators--None

Absent--Senator Goode--1

Absent with leave--Senators

Carter	Foster	House	Sims
Staples	Westfall--6		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Gibbons	Gross
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Singleton	Steelman	Stoll
Wiggins	Yeckel--26		

NAYS--Senators--None

Absent--Senators

Goode--2

Absent with leave--Senators

Foster

House

Sims

Westfall--6

Bland

Carter

Staples

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **SBs 3, 8 and 9**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kenney requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of 3rd reading **SCS** for **SBs 3, 8 and 9**, which request was granted.

THIRD READING OF SENATE BILLS

SCS for **SBs 3, 8 and 9**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 3, 8 and 9An Act relating to individual income tax treatment of federal credit or advance refund of federal credit allowed to individual taxpayers under section 6428 of the Internal Revenue Code for tax year 2001, with an emergency clause.

Was taken up by Senator Gibbons.

On motion of Senator Gibbons, **SCS** for **SBs 3, 8 and 9** was read the 3rd time and passed by the following vote:

YEAS--Senators

Bentley

Caskey

Cauthorn

Childers

DePasco

Gibbons

Gross

Jacob

Johnson

Kenney

Kinder

Klarich

Klindt

Loudon

Mathewson

Quick

Rohrbach

Russell

Scott

Singleton

Steelman

Stoll

Wiggins

Yeckel--24

NAYS--Senators

Dougherty

Schneider--2

Absent--Senators

Bland

Goode--2

Absent with leave--Senators

Carter

Foster

House

Sims

Staples

Westfall--6

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Gibbons	Gross	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Singleton
Steelman	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Dougherty	Schneider--2		
Absent--Senators			
Bland	Goode--2		
Absent with leave--Senators			
Carter	Foster	House	Sims
Staples	Westfall--6		

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 4, 1, 5 and 6**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SBs 4, 1, 5 and 6** to the Committee on State Budget Control.

Senator Singleton requested unanimous consent of the Senate to allow the Committee on State Budget Control to meet while the Senate is in session, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **SBs 4, 1, 5 and 6**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Kenney requested unanimous consent of the Senate to suspend Senate Rule 52 for the purpose of 3rd reading **SCS** for **SBs 4, 1, 5 and 6**, which request was granted.

THIRD READING OF SENATE BILLS

SCS for SBs 4, 1, 5 and 6, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 4, 1, 5 and 6An Act to repeal sections 135.095, 208.010 and 208.151, RSMo, relating to medical assistance for the elderly, and to enact in lieu thereof twelve new sections relating to the same subject, with a contingent effective date for a certain section, an expiration date and an emergency clause.

Was taken up by Senator Singleton.

On motion of Senator Singleton, SCS for SBs 4, 1, 5 and 6 was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Gibbons	Gross
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Scott	Singleton
Steelman	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Bland	Jacob	Rohrbach--3	
Absent--Senator Goode--1			
Absent with leave--Senators			
Carter	Foster	House	Sims
Staples	Westfall--6		

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 14, regarding the Ninetieth Birthday of Cora Velma Brownfield Stegner Geiger, which was adopted.

Senator Bentley offered Senate Resolution No. 15, regarding the Twenty-fifth Anniversary of the History Museum for Springfield-Greene County, which was adopted.

Senator Yeckel offered Senate Resolution No. 16, regarding the Vera Lane Memorial Kitchen and Dining Room at Thomas Jefferson School, St. Louis, which was adopted.

Senator Russell offered Senate Resolution No. 17, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Swanigan, Tunas, which was adopted.

INTRODUCTION OF GUESTS

Senator Rohrbach introduced to the Senate, Beth Rohrbach, California.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, September 10, 2001.

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FOURTH DAY--MONDAY, SEPTEMBER 10, 2001

The Senate met pursuant to adjournment.

Senator Kenney in the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 3**, entitled:

An Act to repeal sections 135.095, 208.010 and 208.151, RSMo, and to enact in lieu thereof ten new sections relating to a pharmaceutical investment program, with an emergency clause and penalty provision.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 5, 1 and 2**, entitled:

An Act to repeal section 143.171, RSMo, and to enact in lieu thereof one new section relating to the deduction for the federal credit or advance refund of the credit for the 2001 tax year allowed pursuant to section 6428 of the Internal Revenue Code, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 4**, entitled:

An Act to repeal sections 277.203, 277.212, and 277.215, RSMo, and to enact in lieu thereof four new sections relating

to livestock marketing, with an emergency clause and an expiration date.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Kenney, the Senate adjourned until 9:00 a.m., Tuesday, September 11, 2001.

SENATE CALENDAR

FIFTH DAY-TUESDAY, SEPTEMBER 11, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 3-Abel

HS for HCS for HBs 5, 1 & 2-Kennedy

HS for HCS for HB 4-Shoemyer

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

FIFTH DAY--TUESDAY, SEPTEMBER 11, 2001

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HB 3**--Public Health and Welfare.

HS for **HCS** for **HBs 5, 1 and 2**--Ways and Means.

HS for **HCS** for **HB 4**--Agriculture, Conservation, Parks and Tourism.

On motion of President Pro Tem Kinder, the Senate adjourned until 3:00 p.m., Wednesday, September 12, 2001.

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SIXTH DAY--WEDNESDAY, SEPTEMBER 12, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"I know the one in whom I have put my trust and I am sure that he is able to guard until that day what I have entrusted to him." (2 Timothy 1:12)

Gracious Lord, You have given us Your steady hand to perform the works You have for our lives. Help us to walk in faithfulness and clearly see what we must do this day and follow the footsteps of Your righteousness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Friday, September 7, 2001, Monday, September 10, 2001, and Tuesday, September 11, 2001, were read and approved.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 18, regarding Colonel Keith McDonald, Commander of Support Group 509, Whiteman Air Force Base, Knob Noster, which was adopted.

Senator Quick offered Senate Resolution No. 19, regarding Chad J. Peterson, Gladstone, which was adopted.

Senator Quick offered Senate Resolution No. 20, regarding Jonathan William "Nathan" Schmitz, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 21, regarding Christopher Michael "Chris" Marolt, Gladstone, which was adopted.

Senator Kinder offered Senate Resolution No. 22, regarding the Missouri Optometric Association, which was adopted.

Senator Yeckel offered Senate Resolution No. 23, regarding Nicholas J. C. Pistor, St. Louis, which was adopted.

Senator Russell offered Senate Resolution No. 24, regarding the Missouri Federation of Square and Round Dancers, which was adopted.

Senator Bentley offered Senate Resolution No. 25, regarding the Springfield Host Lions Club, which was adopted.

Senator Yeckel offered Senate Resolution No. 26, regarding Joseph Edward "Joe" Altnether, St. Louis County, which was adopted.

Senator Steelman offered Senate Resolution No. 27, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Ralph Price, St. James, which was adopted.

Senator Singleton offered Senate Resolution No. 28, regarding Joplin Neighborhood Adult Literacy Action (NALA) READ, which was adopted.

Senator Stoll offered Senate Resolution No. 29, regarding Maria Myrna Abing Augusto-Wynn, St. Louis, which was adopted.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HS** for **HCS** for **HB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HS** for **HCS** for **HBs 5, 1 and 2**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **HS** for **HCS** for **HBs 5, 1 and 2**, with **SCS**, to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 4**, with **SCS**, entitled:

An Act to repeal sections 277.203, 277.212 and 277.215, RSMo, and to enact in lieu thereof four new sections relating

to livestock marketing, with an emergency clause and an expiration date.

Was taken up by Senator Cauthorn.

SCS for **HS** for **HCS** for **HB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 4

An Act to repeal sections 277.203 and 277.212, RSMo, relating to livestock marketing, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Cauthorn moved that **SCS** for **HS** for **HCS** for **HB 4** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **HS** for **HCS** for **HB 4** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			
NAYS--Senators--None			
Absent--Senator Jacob--1			
Absent with leave--Senators--None			

The President declared the bill passed.

President Maxwell assumed the Chair.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

NAYS--Senators--None

Absent--Senator Bland--1

Absent with leave--Senators--None

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HCS** for **HB 3**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **HS** for **HCS** for **HB 3**, with **SCS**, to the Committee on State Budget Control.

On motion of Senator Kenney, the Senate recessed for 5 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HBs 5, 1 and 2**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 5, 1 and 2**, with **SCS**, entitled:

An Act to repeal section 143.171, RSMo, and to enact in lieu thereof one new section relating to the deduction for the federal credit or advance refund of the credit for the 2001 tax year allowed pursuant to section 6428 of the Internal Revenue Code, with an emergency clause.

Was taken up by Senator Gibbons.

SCS for **HS** for **HCS** for **HBs 5, 1 and 2**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 5, 1 and 2

An Act relating to individual income tax treatment of federal credit or advance refund of federal credit allowed to individual taxpayers under section 6428 of the Internal Revenue Code for tax year 2001, with an emergency clause.

Was taken up.

Senator Gibbons moved that **SCS** for **HS** for **HCS** for **HBs 5, 1 and 2** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **HS** for **HCS** for **HBs 5, 1 and 2** was read the 3rd time and passed by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Singleton	Steelman	Stoll	Wiggins
Yeckel--25			
NAYS--Senators			
Dougherty	Goode	Jacob	Schneider
Scott	Sims	Staples	Westfall--8
Absent--Senator Bland--1			
Absent with leave--Senators--None			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators			
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Singleton
Steelman	Stoll	Wiggins	Yeckel--24
NAYS--Senators			
Dougherty	Goode	Jacob	Schneider
Scott	Sims	Staples	Westfall--8
Absent--Senators			
Bland	Quick--2		
Absent with leave--Senators--None			

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Barbara Adelman, Democrat, 541 Fox Ridge Road, St. Louis, St. Louis County, Missouri 63131, as a member of the Dam and Reservoir Safety Council, for a term ending June 25, 2002, and until her successor is duly appointed and qualified; vice, Jill Hamilton, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Solomon Agin, Republican, 14194 Parliament Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Betty Cunningham, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Linda Allen, 3902 Cromwell Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Edna Chavis, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

James R. Asahl, 2116 Tower Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, Charles Bonney, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Joan L. Berkman, Republican, 180 North Brentwood Boulevard, Clayton, St. Louis County, Missouri 63105, as a member of the Missouri Community Service Commission, for a term ending December 15, 2001, and until her successor is duly appointed and qualified; vice, Walter L. Friedhofen, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Mari Ann Bihr, 1004 Prospect, Columbia, Boone County, Missouri 65203, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Sandra S. Mazzocco, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

John Blass, 104-19 East Green Meadows Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

John Boyer, Republican, 24 Hickory Street, Viburnum, Iron County, Missouri 65566, as a member of the Dam and Reservoir Safety Council, for a term ending September 5, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Cynthia N. Brookshire, 48902 North 9th Street, Ozark, Christian County, Missouri 65721, as a member of the Board of Geologist Registration, for a term ending April 11, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Gail Brown-Rozelle, 4643 Tower Grove Place, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Delores Jeffries, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Shelley L. Burns, Route 2, Box 2615 H, Piedmont, Wayne County, Missouri 63957, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2002, and until her successor is duly appointed and qualified; vice, Susan Lamb, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Terry Butler, 211 Southeast 591 Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Head Injury Advisory Council, for a term ending July 1, 2003, and until his successor is duly appointed and qualified; vice, Dale Findlay, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Mark A. Byington, 4239 Patterson School Road, Bonne Terre, St. Francois County, Missouri 63628, as a member of the Peace Officers Standards and Training Commission, for a term ending October 3, 2003, and until his successor is duly appointed and qualified; vice, Bruce Scott, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Jesse C. Caudle, 50 Sunrise Drive, Winfield, Lincoln County, Missouri 63389, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2002, and until his successor is duly appointed and qualified; vice, Yvonne Strauther, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Diliane M. Charles, 511 Bonhomme Forest Drive, St. Louis, St. Louis County, Missouri 63132, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Dr. Gary Wasserman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Sherri Coleman, 1207 Bellevue Avenue, St. Louis, St. Louis County, Missouri 63117, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, Janet Williams, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Michael David Conner, 9063 Highway YY, Strafford, Greene County, Missouri 65757, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2003, and until his successor is duly appointed and qualified; vice, Patti J. Wright, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

H. Dwight Douglas, Republican, 1012 Bond Street, Neosho, Newton County, Missouri 64850, as a member of the Safe Drinking Water Commission, for a term ending September 1, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Sandy S. Drummond, 16050 North Route U, Hallsville, Boone County, Missouri 65255, as a member of the State Committee for Interpreters, for a term ending November 5, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Sheila S. Dullum, 1456 East Farm Road 96, Springfield, Greene County, Missouri 68503, as a member of the Child Abuse and Neglect Review Board, for a term ending December 29, 2003, and until her successor is duly appointed and qualified; vice, Lorri J. Sheets, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Terrie Jo Fox, 3724 Stanton, Lee's Summit, Jackson County, Missouri 64064, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Bradley Freeman, 18 South Kingshighway, Apartment 2P, St. Louis City, Missouri 63108, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2002, and until his successor is duly appointed and qualified; vice, Willa Adelstein, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Gayle J. Fritz, 7350 Arlington Drive, St. Louis, St. Louis County, Missouri 63117, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, James Wettstaed, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

William M. Fry, Jr., 8608 East 81st Street, Raytown, Jackson County, Missouri 64133, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Geraldine Madden, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

James M. Giles, 6739 Charlotte Street, Kansas City, Jackson County, Missouri 64131, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, Sherry F. Hooper, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Mark Graviett, 9709 North Virginia Avenue, Kansas City, Clay County, Missouri 64155, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Ernest Simon, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Debra Foster Greene, 3608 Mall Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the Unmarked Human Burial Consultation Committee, for a term ending June 3, 2003, and until her successor is duly appointed and qualified; vice, Mamie Rodgers, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Barbara Gulick, 7936 North Anita Drive, Kansas City, Jackson County, Missouri 64151, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Richard Hanson, 1307 Dunbar Drive, Columbia, Boone County, Missouri 65203, as a member of the Missouri State Employees' Voluntary Life Insurance Commission, for a term ending October 7, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Charles Ray Jackson, 117 Doehla Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2005, and until his successor is duly appointed and qualified; vice, Gary B. Kempker, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Karen J. Jones, Republican, 7 Forest Oak Court, O'Fallon, St. Charles County, Missouri 63366, as a member of the Missouri Women's Council, for a term ending December 6, 2003, and until her successor is duly appointed and qualified; vice, Phyllis Baker, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Stephen A. Jordan, Ph.D., 2308 Jane Drive, Cape Girardeau, Cape Girardeau County, Missouri 63071, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2002, and until his successor is duly appointed and qualified; vice, Bill Hickle, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Shera Kafka, 1504 Gold Leaf Drive, St. Louis, St. Louis County, Missouri 63146, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, Deborah A. Kerr, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Mark V. Kenney, Democrat, 5630 Brookside Boulevard, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Jeffrey A. Kerr, D.O., Republican, 11851 Arbor Circle, Rolla, Phelps County, Missouri 65401, as a member of the State Board of Senior Services, for a term ending August 30, 2003, and until his successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

M. Elizabeth Kingsley, Ph.D., Democrat, 14 Mohave Drive, Lake Winnebago, Cass County, Missouri 64034, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Lai Lily Ko, Democrat, 8900 Chickasaw Drive, Olivette, St. Louis County, Missouri 63132, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Derick Driemeyer, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Glenda Kremer, County Road 403, Post Office Box 33, Loose Creek, Osage County, Missouri 65054, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Andrea J. Lawrence, 2383 Baxton Way, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Real Estate Commission, for a term ending October 16, 2001, and until her successor is duly appointed and qualified; vice, Alonzo Reed, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Nicola Longford, 1114 Dover Place, St. Louis City, Missouri 63111, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until her successor is duly appointed and qualified; vice, Martha Clevenger, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Phillip Luebbering, Democrat, HCR 65, Box 388A, St. Thomas, Osage County, Missouri 65076, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2004, and until his successor is duly appointed and qualified; vice, Peter Hofherr, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Michael J. Marx, 4173 Fairburn Court, St. Louis, St. Louis County, Missouri 63129, as a member of the Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, Marie Collins, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Emmy L. McClelland, Republican, 455 Pasadena, Webster Groves, St. Louis County, Missouri 63119, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Arlene V. McClendon, 6231 Hancock Street, Berkeley, St. Louis County, Missouri 63134, as a member of the State Board of Barber Examiners, for a term ending April 5, 2004, and until her successor is duly appointed and qualified; vice, R.C. Robinson, deceased.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Nolan McNeill, Democrat, 3010 Main, Cassville, Barry County, Missouri 65625, as a public member of the State Committee of Dieticians, for a term ending June 11, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

C. Lillian Metzger, Democrat, 30 Heritage Lane, Troy, Lincoln County, Missouri 63379, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Lynn R. Mims, Democrat, 5501 Bartmer, St. Louis City, Missouri 63112, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until his successor is duly appointed and qualified; vice, Betty Marver, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Douglas E. Mitchell, 500 Northwest 301 Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2002, and until his successor is duly appointed and qualified; vice, Wanda Terrell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Randy Mooney, Republican, 7725 East Farm Road 194, Rogersville, Greene County, Missouri 65742, as a member of the State Milk Board, for a term ending September 28, 2003, and until his successor is duly appointed and qualified; vice, Lester Evans, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Kristine M. Moranville, 10 Fountain Court, Florissant, St. Louis County, Missouri 63033, as a member of the Missouri Board of Occupational Therapy, for a term ending December 11, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Sherrie M. Nash, Democrat, 1820 Norton Avenue, Kansas City, Jackson County, Missouri 64127, as a member of the Missouri Women's Council, for a term ending December 6, 2002, and until her successor is duly appointed and qualified; vice, Audrey Jones, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Robert P. Neumann, 5917 South State Highway ZZ, Republic, Greene County, Missouri 65738, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Marie S. Nowak, Democrat, 4333 Hannover Court, St. Louis, St. Louis County, Missouri 63123, as a member of the State Board of Senior Services, for a term ending August 30, 2004, and until her successor is duly appointed and qualified; vice, RSMo. 660.062.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Linda M. Prewitt, 5855 Waterman Avenue, St. Louis City, Missouri 63112, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until her successor is duly appointed and qualified; vice, Angela S. Fowler-Allen, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Tracy Maria Reed, D.P.M., 15651 Debridge Way, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2003, and until her successor is duly appointed and qualified; vice, Patricia Clark, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

James R. Ritter, Ed.D., 2611 Vistaview Terrace, Columbia, Boone County, Missouri 65203, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until his successor is duly appointed and qualified; vice, James Jackson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Melinda Dolan Sanders, Democrat, 810 Western Air, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2003, and until her successor is duly appointed and qualified; vice, Aurita Prince-Caldwell, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Elmo Shaw, Democrat, 8649 Highway 79, Louisiana, Pike County, Missouri 63353, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission, for a term ending March 25, 2004, and until his successor is duly appointed and qualified; vice, Gary Riedel, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Mary Hass Sheid, 1913 Cambridge Circle, West Plains, Howell County, Missouri 65775, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Gregory Solum, 722 Troy Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Paula Penny Stringer, Republican, 8073 West Farm Road 168, Republic, Greene County, Missouri 65738, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Joanne Griffin, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Kathy A. Surratt-States, Democrat, 5012 Bischoff Avenue, St. Louis City, Missouri 63110, as a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Kathy A. Surratt-States, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Mark C. Toomey, 214 Valleyview Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Charles W. Tyler, 4031 Botanical, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Gerald M. Shechter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Jonathan B. Vanderbrug, 4459 Castleman Avenue, St. Louis City, Missouri 63110, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Marilyn L. Robinson, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Daniel L. Vornberg, 556 Purdue, St. Louis, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Daniel L. Vornberg, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

James Bradford Willett, 8557 County Road 418, Hannibal, Marion County, Missouri 63401, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

William H. Worley, Democrat, 1243 West 64th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Environmental Improvement and Energy Resources Authority, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, Avis Parman, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Judy A. Zakibe, Republican, 3216 Regal Place, St. Louis City, Missouri 63139, as Secretary and member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Judy A. Zakibe, withdrawn.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 12, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on September 5, 2001 for your advice and consent:

Benedict K. Zobrist, Ph.D., 71-B T Street, Lake Lotawana, Jackson County, Missouri 64086, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

RESOLUTIONS

Senators House and Gross offered Senate Resolution No. 30, regarding the Fifth Anniversary of Sister City status between Ludwigsburg, Germany, and Saint Charles, Missouri, which was adopted.

Senator Foster offered Senate Resolution No. 31, regarding Mary Kimes Richardson, Portageville, which was adopted.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Thursday, September 13, 2001.

SENATE CALENDAR

SEVENTH DAY-THURSDAY, SEPTEMBER 13, 2001

FORMAL CALENDAR

HOUSE BILLS ON THIRD READING

HS for HCS for HB 3-Abel,
with SCS (Singleton)
(In Budget Control)

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

SEVENTH DAY--THURSDAY, SEPTEMBER 13, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

"The eyes of the Lord range throughout the entire earth, to strengthen those whose heart is true to him." (2 Chronicles 16:9)

Almighty God, we praise You for giving us the strength we need to say what must be said and do what must be done, while working together, to best serve the citizens of Missouri. We also pray for those from our state who have gone to aid in the search and rescue of those buried in the rubble in New York; provide them Your protection and give them strength to safely do the work You have for them. And continue to mend those who have fallen victim to terrorists and comfort us who mourn. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 32, regarding the death of Charles E. "Charlie" Wilson, Halfway, which was adopted.

Senators Gross and House offered Senate Resolution No. 33, regarding Kelsie Kestler, O'Fallon, which was adopted.

Senators Gross and House offered Senate Resolution No. 34, regarding Patrick Banger, O'Fallon, which was adopted.

Senators Gross and House offered Senate Resolution No. 35, regarding the Reverend Fran Pieper, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 36, regarding Marvin Freeman, St. Charles County, which was adopted.

Senators Gross and House offered Senate Resolution No. 37, regarding Darrell Roegner, St. Charles County, which was adopted.

Senator Kenney offered Senate Resolution No. 38, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Huckabay, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 39, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Samuel G. Brown, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 40, regarding Ryan Bradford Luethje, Blue Springs, which was adopted.

Senator Yeckel offered Senate Resolution No. 41, regarding Robert Garith "Rob" Skelton, St. Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HB 3**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 3**, with **SCS**, entitled:

An Act to repeal sections 135.095, 208.010 and 208.151, RSMo, and to enact in lieu thereof ten new sections relating to a pharmaceutical investment program, with an emergency clause and penalty provision.

Was taken up by Senator Singleton.

SCS for **HS** for **HCS** for **HB 3**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 3

An Act to repeal sections 135.095, 208.010 and 208.151, RSMo, relating to the Missouri senior Rx program, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for certain sections, an

emergency clause and penalty provisions.

Was taken up.

Senator Singleton moved that **SCS** for **HS** for **HCS** for **HB 3** be adopted.

Senator Singleton offered **SS** for **SCS** for **HS** for **HCS** for **HB 3**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to repeal section 135.095, RSMo, relating to the Missouri senior Rx program, and to enact in lieu thereof ten new sections relating to the same subject, with an expiration date for certain sections, an emergency clause and penalty provisions.

Senator Singleton moved that **SS** for **SCS** for **HS** for **HCS** for **HB 3** be adopted.

Senator Dougherty offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 2, Section 135.095, Line 16 of said page, by inserting immediately after said line the following:

"208.010. 1. In determining the eligibility of a claimant for public assistance pursuant to this law, it shall be the duty of the division of family services to consider and take into account all facts and circumstances surrounding the claimant, including his or her living conditions, earning capacity, income and resources, from whatever source received, and if from all the facts and circumstances the claimant is not found to be in need, assistance shall be denied. In determining the need of a claimant, the costs of providing medical treatment which may be furnished pursuant to sections 208.151 to 208.158 and 208.162 shall be disregarded. The amount of benefits, when added to all other income, resources, support, and maintenance shall provide such persons with reasonable subsistence compatible with decency and health in accordance with the standards developed by the division of family services; provided, when a husband and wife are living together, the combined income and resources of both shall be considered in determining the eligibility of either or both. "Living together" for the purpose of this chapter is defined as including a husband and wife separated for the purpose of obtaining medical care or nursing home care, except that the income of a husband or wife separated for such purpose shall be considered in determining the eligibility of his or her spouse, only to the extent that such income exceeds the amount necessary to meet the needs (as defined by rule or regulation of the division) of such husband or wife living separately. In determining the need of a claimant in federally aided programs there shall be disregarded such amounts per month of earned income in making such determination as shall be required for federal participation by the provisions of the federal Social Security Act (42 U.S.C.A. 301 et seq.), or any amendments thereto. When federal law or regulations require the exemption of other income or resources, the division of family services may provide by rule or regulation the amount of income or resources to be disregarded.

2. Benefits shall not be payable to any claimant who:

(1) Has or whose spouse with whom he or she is living has, prior to July 1, 1989, given away or sold a resource within the time and in the manner specified in this subdivision. In determining the resources of an individual, unless prohibited by federal statutes or regulations, there shall be included (but subject to the exclusions pursuant to

subdivisions (4) and (5) of this subsection, and subsection 5 of this section) any resource or interest therein owned by such individual or spouse within the twenty-four months preceding the initial investigation, or at any time during which benefits are being drawn, if such individual or spouse gave away or sold such resource or interest within such period of time at less than fair market value of such resource or interest for the purpose of establishing eligibility for benefits, including but not limited to benefits based on December, 1973, eligibility requirements, as follows:

(a) Any transaction described in this subdivision shall be presumed to have been for the purpose of establishing eligibility for benefits or assistance pursuant to this chapter unless such individual furnishes convincing evidence to establish that the transaction was exclusively for some other purpose;

(b) The resource shall be considered in determining eligibility from the date of the transfer for the number of months the uncompensated value of the disposed of resource is divisible by the average monthly grant paid or average Medicaid payment in the state at the time of the investigation to an individual or on his or her behalf under the program for which benefits are claimed, provided that:

a. When the uncompensated value is twelve thousand dollars or less, the resource shall not be used in determining eligibility for more than twenty-four months; or

b. When the uncompensated value exceeds twelve thousand dollars, the resource shall not be used in determining eligibility for more than sixty months;

(2) The provisions of subdivision (1) of subsection 2 of this section shall not apply to a transfer, other than a transfer to claimant's spouse, made prior to March 26, 1981, when the claimant furnishes convincing evidence that the uncompensated value of the disposed of resource or any part thereof is no longer possessed or owned by the person to whom the resource was transferred;

(3) Has received, or whose spouse with whom he or she is living has received, benefits to which he or she was not entitled through misrepresentation or nondisclosure of material facts or failure to report any change in status or correct information with respect to property or income as required by section 208.210. A claimant ineligible pursuant to this subsection shall be ineligible for such period of time from the date of discovery as the division of family services may deem proper; or in the case of overpayment of benefits, future benefits may be decreased, suspended or entirely withdrawn for such period of time as the division may deem proper;

(4) Owns or possesses resources **on or after July 1, 2002**, in the sum of **one thousand two hundred fifty dollars or more and on or after July 1, 2003, one thousand four hundred and on or after July 1, 2004, one thousand five hundred** dollars or more; provided, however, that if such person is married and living with spouse, he or she, or they, individually or jointly, may own resources not to exceed **two thousand two hundred fifty dollars or more, and on or after July 1, 2003, two thousand four hundred and on or after July 1, 2004, two thousand five hundred** dollars **or more**; and provided further, that in the case of a temporary assistance for needy families claimant, the provision of this subsection shall not apply;

(5) Prior to October 1, 1989, owns or possesses property of any kind or character, excluding amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, or has an interest in property, of which he or she is the record or beneficial owner, the value of such property, as determined by the division of family services, less encumbrances of record, exceeds twenty-nine thousand dollars, or if married and actually living together with husband or wife, if the value of his or her property, or the value of his or her interest in property, together with that of such husband and wife, exceeds such amount;

(6) In the case of temporary assistance for needy families, if the parent, stepparent, and child or children in the home owns or possesses property of any kind or character, or has an interest in property for which he or she is a record or beneficial owner, the value of such property, as determined by the division of family services and as allowed by federal law or regulation, less encumbrances of record, exceeds one thousand dollars, excluding the home occupied by the claimant, amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, one automobile which shall not

exceed a value set forth by federal law or regulation and for a period not to exceed six months, such other real property which the family is making a good-faith effort to sell, if the family agrees in writing with the division of family services to sell such property and from the net proceeds of the sale repay the amount of assistance received during such period. If the property has not been sold within six months, or if eligibility terminates for any other reason, the entire amount of assistance paid during such period shall be a debt due the state;

(7) Is an inmate of a public institution, except as a patient in a public medical institution.

3. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the income and resources of a relative or other person living in the home shall be taken into account to the extent the income, resources, support and maintenance are allowed by federal law or regulation to be considered.

4. In determining eligibility and the amount of benefits to be granted pursuant to federally aided programs, the value of burial lots or any amounts placed in an irrevocable prearranged funeral or burial contract pursuant to subsection 2 of section 436.035, RSMo, and subdivision (5) of subsection 1 of section 436.053, RSMo, shall not be taken into account or considered an asset of the burial lot owner or the beneficiary of an irrevocable prearranged funeral or funeral contract. For purposes of this section, "burial lots" means any burial space as defined in section 214.270, RSMo, and any memorial, monument, marker, tombstone or letter marking a burial space. If the beneficiary, as defined in chapter 436, RSMo, of an irrevocable prearranged funeral or burial contract receives any public assistance benefits pursuant to this chapter and if the purchaser of such contract or his or her successors in interest cancel or amend the contract so that any person will be entitled to a refund, such refund shall be paid to the state of Missouri up to the amount of public assistance benefits provided pursuant to this chapter with any remainder to be paid to those persons designated in chapter 436, RSMo.

5. In determining the total property owned pursuant to subdivision (5) of subsection 2 of this section, or resources, of any person claiming or for whom public assistance is claimed, there shall be disregarded any life insurance policy, or prearranged funeral or burial contract, or any two or more policies or contracts, or any combination of policies and contracts, which provides for the payment of one thousand five hundred dollars or less upon the death of any of the following:

(1) A claimant or person for whom benefits are claimed; or

(2) The spouse of a claimant or person for whom benefits are claimed with whom he or she is living.

If the value of such policies exceeds one thousand five hundred dollars, then the total value of such policies may be considered in determining resources; except that, in the case of temporary assistance for needy families, there shall be disregarded any prearranged funeral or burial contract, or any two or more contracts, which provides for the payment of one thousand five hundred dollars or less per family member.

6. Beginning September 30, 1989, when determining the eligibility of institutionalized spouses, as defined in 42 U.S.C. Section 1396r-5, for medical assistance benefits as provided for in section 208.151 and 42 U.S.C. Sections 1396a et seq., the division of family services shall comply with the provisions of the federal statutes and regulations. As necessary, the division shall by rule or regulation implement the federal law and regulations which shall include but not be limited to the establishment of income and resource standards and limitations. The division shall require:

(1) That at the beginning of a period of continuous institutionalization that is expected to last for thirty days or more, the institutionalized spouse, or the community spouse, may request an assessment by the division of family services of total countable resources owned by either or both spouses;

(2) That the assessed resources of the institutionalized spouse and the community spouse may be allocated so that each receives an equal share;

(3) That upon an initial eligibility determination, if the community spouse's share does not equal at least twelve thousand dollars, the institutionalized spouse may transfer to the community spouse a resource allowance to increase the community spouse's share to twelve thousand dollars;

(4) That in the determination of initial eligibility of the institutionalized spouse, no resources attributed to the community spouse shall be used in determining the eligibility of the institutionalized spouse, except to the extent that the resources attributed to the community spouse do exceed the community spouse's resource allowance as defined in 42 U.S.C. Section 1396r-5;

(5) That beginning in January, 1990, the amount specified in subdivision (3) of this subsection shall be increased by the percentage increase in the consumer price index for all urban consumers between September, 1988, and the September before the calendar year involved; and

(6) That beginning the month after initial eligibility for the institutionalized spouse is determined, the resources of the community spouse shall not be considered available to the institutionalized spouse during that continuous period of institutionalization.

7. Beginning July 1, 1989, institutionalized individuals shall be ineligible for the periods required and for the reasons specified in 42 U.S.C. Section 1396p.

8. The hearings required by 42 U.S.C. Section 1396r-5 shall be conducted pursuant to the provisions of section 208.080.

9. Beginning October 1, 1989, when determining eligibility for assistance pursuant to this chapter there shall be disregarded unless otherwise provided by federal or state statutes, the home of the applicant or recipient when the home is providing shelter to the applicant or recipient, or his or her spouse or dependent child. The division of family services shall establish by rule or regulation in conformance with applicable federal statutes and regulations a definition of the home and when the home shall be considered a resource that shall be considered in determining eligibility.

10. Reimbursement for services provided by an enrolled Medicaid provider to a recipient who is duly entitled to Title XIX Medicaid and Title XVIII Medicare Part B, Supplementary Medical Insurance (SMI) shall include payment in full of deductible and coinsurance amounts as determined due pursuant to the applicable provisions of federal regulations pertaining to Title XVIII Medicare Part B, except the applicable Title XIX cost sharing.

11. A "community spouse" is defined as being the noninstitutionalized spouse.

208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

(1) All recipients of state supplemental payments for the aged, blind and disabled;

(2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;

(3) All recipients of blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in

42 U.S.C. 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of

applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and

postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973[, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services]; **except that, on or after July 1, 2002, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a (r)(2), shall be used to raise the income limit to ninety percent of the federal poverty level and, as of July 1, 2003, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)92), shall be used to raise the income limit to ninety-five percent of the federal poverty level and, as of July 1, 2004, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)92), shall be used to raise the income limit to one hundred percent of the federal poverty level.** If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii);

(27) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in

accordance with 42 U.S.C. 1396r-1.

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

6. The department of social services may apply to the federal Department of Health and Human Services for a Medicaid waiver amendment to the section 1115 demonstration waiver or for any additional Medicaid waivers necessary and desirable to implement the increased resource limit, as authorized in subdivision (4) of subsection 2 of section 208.010 and to implement the increased income limit, as authorized in subdivision (25) of subsection 1 of section 208.151.; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Steelman offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 4, Section 208.010, Lines 11-13 of said page, by striking said lines and inserting in lieu thereof the following: "in the sum of one thousand **five hundred** dollars or more"; and further amend lines 16 to 18 of said page, by striking said lines and inserting in lieu thereof the following: "resources not to exceed two thousand **five hundred** dollars or"; and

Further amend said bill, Page 18 of said page, Section 208.151, Lines 2 to 9 of said page, by striking said lines and inserting in lieu thereof the following: "**shall be used to raise the income limit to one hundred percent of the federal poverty level. If**".

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 1** to **SA 1** was withdrawn.

Senator Klarich assumed the Chair.

Senator Steelman offered **SA 2** to **SA 1**:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 4, Section 208.010, Line 10 of said page, by striking "2002" and inserting in lieu thereof "**2003**"; and further amend line 11 of said page, by striking "two hundred fifty" and inserting in lieu thereof "**one hundred**"; and further amend line 12 of said page, by striking said line and inserting in lieu thereof the following: "**on or after July 1, 2004, one thousand two hundred and on or**"; and further amend line 13 of said page, by striking the following: "2004" and inserting in lieu thereof "**2005**"; and further amend line 16 of said page, by striking "two hundred fifty" and inserting in lieu thereof "**one hundred**"; and further amend line 17 of said page, by striking said line and inserting in lieu thereof the following: "**more, and on or after July 1, 2004, two thousand two hundred and**" and further amend line 18 of said page, by striking "2004" and inserting in lieu thereof the following: "**2005**"; and

Further amend said bill, Page 18 of said page, Section 208.151, Line 2 of said page, by striking the word "ninety" and inserting in lieu thereof the following: "**eighty**"; and further amend lines 5 and 6 of said page, by striking the word "ninety-five" and inserting in lieu thereof the following: "**ninety**".

Senator Steelman moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Singleton, **HS** for **HCS** for **HB 3**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 2** to **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Gross.

HOUSE BILLS ON THIRD READING

Senator Singleton moved that **HS** for **HCS** for **HB 3**, with **SCS**, **SS** for **SCS**, **SA 1** and **SA 2** to **SA 1** (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SA 2 to **SA 1** was again taken up.

At the request of Senator Steelman, the above amendment was withdrawn.

Senator Steelman offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 2, Section 135.095, Line 16 of said page, by inserting immediately after said line the following:

"208.151. 1. For the purpose of paying medical assistance on behalf of needy persons and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301 et seq.) as amended, the following needy persons shall be eligible to receive medical assistance to the extent and in the manner hereinafter provided:

- (1) All recipients of state supplemental payments for the aged, blind and disabled;
- (2) All recipients of aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040;
- (3) All recipients of blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the division of family services, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (7) All persons eligible to receive nursing care benefits;
- (8) All recipients of family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were recipients of old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;
- (10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;
- (11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The division of family services shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the division of family services shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide Medicaid coverage under this subdivision, the department of social services may revise the state Medicaid plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;

(15) The following children with family income which does not exceed two hundred percent of the federal poverty guideline for the applicable family size:

(a) Infants who have not attained one year of age with family income greater than one hundred eighty-five percent of the federal poverty guideline for the applicable family size;

(b) Children who have attained one year of age but have not attained six years of age with family income greater than one hundred thirty-three percent of the federal poverty guideline for the applicable family size; and

(c) Children who have attained six years of age but have not attained nineteen years of age with family income greater than one hundred percent of the federal poverty guideline for the applicable family size. Coverage under this subdivision shall be subject to the receipt of notification by the director of the department of social services and the revisor of statutes of approval from the secretary of the U.S. Department of Health and Human Services of applications for waivers of federal requirements necessary to promulgate regulations to implement this subdivision. The director of the department of social services shall apply for such waivers. The regulations may provide for a basic primary and preventive health care services package, not to include all medical services covered by section 208.152, and may also establish co-payment, coinsurance, deductible, or premium requirements for medical assistance under this subdivision. Eligibility for medical assistance under this subdivision shall be available only to those infants and children who do not have or have not been eligible for employer-subsidized health care insurance coverage for the six months prior to application for medical assistance. Children are eligible for employer-subsidized coverage through either parent, including the noncustodial parent. The division of family services may establish a resource eligibility standard in assessing eligibility for persons under this subdivision. The division of medical services shall define the amount and scope of benefits which are available to individuals under this subdivision in accordance with the requirement of federal law and regulations. Coverage under this subdivision shall be subject to appropriation to provide services approved under the provisions of this subdivision;

(16) The division of family services shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The division of medical services shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder except that the scope of benefits shall include case management services;

(17) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(18) A child born to a woman eligible for and receiving medical assistance under this section on the date of the child's birth shall be deemed to have applied for medical assistance and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the division of family services shall assign a medical assistance eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(19) Pregnant women and children eligible for medical assistance pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for medical assistance benefits be required to apply for aid to families with dependent children. The division of family services shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for medical assistance. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for medical assistance benefits under subdivision (12), (13) or (14) shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the division of family services for assessing eligibility under this chapter shall be as simple as practicable;

(20) Subject to appropriations necessary to recruit and train such staff, the division of family services shall provide one or more full-time, permanent case workers to process applications for medical assistance at the site of a health care provider, if the health care provider requests the placement of such case workers and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment, of such case workers. The division may provide a health care provider with a part-time or temporary case worker at the site of a health care provider if the health care provider requests the placement of such a case worker and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such a case worker. The division may seek to employ such case workers who are otherwise qualified for such positions and who are current or former welfare recipients. The division may consider training such current or former welfare recipients as case workers for this program;

(21) Pregnant women who are eligible for, have applied for and have received medical assistance under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum medical assistance provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy;

(22) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192, RSMo, or chapter 205, RSMo, or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of mental retardation program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective Medicaid-eligible high-risk mothers and enroll them in the state's Medicaid program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the Medicaid program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any Medicaid prepaid, case-managed programs;

(23) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including

projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207, RSMo;

(24) All recipients who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(25) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits, under the eligibility standards in effect December 31, 1973[, or those supplemental security income recipients who would be determined eligible for general relief benefits under the eligibility standards in effect December 31, 1973, except income; or less restrictive standards as established by rule of the division of family services]; **except that, on or after July 1, 2002, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a (r)(2), shall be used to raise the income limit to eighty percent of the federal poverty level and, as of July 1, 2003, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)92), shall be used to raise the income limit to ninety percent of the federal poverty level and, as of July 1, 2004, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)92), shall be used to raise the income limit to one hundred percent of the federal poverty level.** If federal law or regulation authorizes the division of family services to, by rule, exclude the income or resources of a parent or parents of a person under the age of eighteen and such exclusion of income or resources can be limited to such parent or parents, then notwithstanding the provisions of section 208.010:

(a) The division may by rule exclude such income or resources in determining such person's eligibility for permanent and total disability benefits; and

(b) Eligibility standards for permanent and total disability benefits shall not be limited by age;

(26) Within thirty days of the effective date of an initial appropriation authorizing medical assistance on behalf of "medically needy" individuals for whom federal reimbursement is available under 42 U.S.C. 1396a (a)(10)(c), the department of social services shall submit an amendment to the Medicaid state plan to provide medical assistance on behalf of, at a minimum, an individual described in subclause (I) or (II) of clause 42 U.S.C. 1396a (a)(10)(C)(ii);

(27) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1.

2. Rules and regulations to implement this section shall be promulgated in accordance with section 431.064, RSMo, and chapter 536, RSMo. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for medical assistance for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601 et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for medical assistance for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described

in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive medical assistance without fee for an additional six months. The division of medical services may provide by rule the scope of medical assistance coverage to be granted to such families.

4. For purposes of section 1902(1), (10) of Title XIX of the federal Social Security Act, as amended, any individual who, for the month of August, 1972, was eligible for or was receiving aid or assistance pursuant to the provisions of Titles I, X, XIV, or Part A of Title IV of such act and who, for such month, was entitled to monthly insurance benefits under Title II of such act, shall be deemed to be eligible for such aid or assistance for such month thereafter prior to October, 1974, if such individual would have been eligible for such aid or assistance for such month had the increase in monthly insurance benefits under Title II of such act resulting from enactment of Public Law 92-336 amendments to the federal Social Security Act (42 U.S.C. 301 et seq.), as amended, not been applicable to such individual.

5. When any individual has been determined to be eligible for medical assistance, such medical assistance will be made available to him for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

6. The department of social services may apply to the federal Department of Health and Human Services for a Medicaid waiver amendment to the section 1115 demonstration waiver or for any additional Medicaid waivers necessary and desirable to implement the increased resource limit, as authorized in subdivision (4) of subsection 2 of section 208.010 and to implement the increased income limit, as authorized in subdivision (25) of subsection 1 of section 208.151."; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

President Maxwell assumed the Chair.

Senator Singleton offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 9, Section 208.151, Lines 23-29 of said page, by striking all of said lines and inserting in lieu thereof the following: "**shall be used to raise the income limit for persons sixty-five years old or older to one hundred percent of the federal poverty level. If**"; and

Further amend page 10, said section, line 1, by striking all of said line.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Singleton, **SA 1** to **SSA 1** for **SA 1** was withdrawn.

SSA 1 for **SA 1** was again taken up.

Senator Jacob requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1** and was joined in his request by Senators Dougherty, Mathewson, Sims and Wiggins.

SSA 1 for SA 1 was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	House
Jacob	Johnson	Kinder	Klarich
Klindt	Schneider	Scott	Sims
Staples	Steelman	Stoll	Wiggins
Yeckel--25			

NAYS--Senators

Gross	Kenney	Loudon	Mathewson
Quick	Rohrbach	Russell	Singleton
Westfall--9			

Absent--Senators--None

Absent with leave--Senators--None

Senator Jacob offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 6, Section 208.553, Line 3, by striking the word "thirteen" and inserting in lieu thereof, the word "**fourteen**"; and

Further amend said section, said page, line 18, by adding after all of said line the following: "**The chairperson of the commission on special health, psychological and social needs of minority older individuals**"; and

Further amend said section, page 7, line 14, by adding after all of said lines the following:

"2. Recognizing the unique medical needs of the senior African American population, the president pro tem of the senate, speaker of the house of representatives and governor will collaborate to ensure that there is adequate minority representation among legislative members and other members of the commission."; and

Further renumber remaining subsections accordingly.

Senator Jacob moved that the above amendment be adopted, which motion prevailed.

Senator Loudon offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 11, Section 208.556, Line 24 of said page, by striking "two hundred fifty dollars" and inserting in lieu thereof the following: "four hundred dollars"; and further amend line 26 of said page, by striking "two hundred fifty dollars" and inserting in lieu thereof the following: "four hundred dollars"; and further amend page 12, line 1 of said page, by striking "five hundred dollars"; and inserting in lieu thereof the following: "eight hundred dollars"; and further amend line 4 of said page, by striking "five hundred dollars";September 13, 2001 and inserting in lieu thereof the following: "eight hundred dollars"; and further amend section 208.556, page 12, line 6, by striking the word "forty" and inserting in lieu thereof the word "fifty".

Senator Loudon moved that the above amendment be adopted.

Senator Schneider requested a division of the question on SA 3, asking that a vote first be taken on the part of the

amendment dealing with page 11, lines 24 and 26 and page 12, lines 1 and 4; and that a second vote be taken on the part of the amendment dealing with page 12, line 6, which request was granted.

At the request of Senator Loudon, **SA 3** was withdrawn.

Senator Dougherty offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 9, Section 208.556.3(5), Line 11, by deleting all on said line and by renumbering all subsections.

Senator Dougherty moved that the above amendment be adopted, which motion failed.

Senator Childers offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 19, Section C, Line 2, by inserting the following after the word "**sections**" on said line "**208.151 and**".

Senator Childers moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 18, Section 1, by deleting all of Section 1; and

Further amend bill by amending the titling and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 6** was withdrawn.

Senator Rohrbach offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 18, Section 1, Line 17, by deleting the word "all" and replacing it with the word "**none**"; and

Further amend said section, line 23, by deleting the word "valid" and replacing it with the word "**invalid**".

Senator Rohrbach moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for

House Bill No. 3, Page 18, Section 1, Lines 17-23, by striking all of said lines and insert in lieu thereof the following:

"Section 1. If section 135.095 is found unconstitutional, it shall be non-severable from sections 208.550 through 208.571."

Senator Schneider moved that the above substitute amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 16, Section 208.565, Lines 24-29, by deleting everything on said line and inserting in lieu thereof the following: "program."; and further on line 24 by adding at the end of said line the words: "or more"; and

Further amend said bill and section, page 15, line 26, by deleting on said line the following: ". No other discounts shall apply".

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Rohrbach, **SA 8** was withdrawn.

Senator Rohrbach offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, Page 16, Section 208.565, Lines 24-25, by deleting all of said lines and inserting in lieu thereof the following: "program. There shall be no drug formulary imposed on the coverage of".

Senator Rohrbach moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken on the adoption of **SA 9** and was joined in his request by Senators Bland, Sims, Steelman and Stoll.

SA 9 failed of adoption by the following vote:

YEAS--Senators			
Cauthorn	Childers	Foster	Gibbons
Gross	Kinder	Klindt	Loudon
Rohrbach	Russell	Schneider	Westfall
Yeckel--13			
NAYS--Senators			
Bentley	Bland	Carter	Caskey
DePasco	Dougherty	Goode	House
Jacob	Johnson	Kenney	Klarich
Mathewson	Quick	Sims	Singleton
Stelman	Stoll	Wiggins--19	
Absent--Senators			
Scott	Staples--2		
Absent with leave--Senators--None			

Senator Singleton moved that **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, be adopted, which motion prevailed.

Senator Singleton was recognized to close.

President Pro Tem Kinder referred **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, to the Committee on State Budget Control.

Senator Caskey raised the point of order that under Senate Rule 28, Subsection 19, a motion is required to place the bill in the State Budget Control Committee.

The point of order was referred to the President Pro Tem.

Senator Jacob raised the point of order that under the provisions of Senate Rule 28, Subsection 19, the placing of **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, in the State Budget Control Committee is out of order as would be a motion returning the bill to the State Budget Control Committee as the cost of the bill is less than the cost of **HS** for **HCS** for **HB 3** and **SCS** for **HS** for **HCS** for **HB 3**, previously heard by the State Budget Control Committee.

The point of order was referred to the President Pro Tem.

At the request of Senator Caskey, his point of order was withdrawn.

Senator Jacob requested the following information relating to the fiscal notes on **HB 3** be printed, which request was granted.

	Perfected HS for HCS for HB 3		
	FY 2002	FY 2003	FY2004
	(10 Mo.)		
Estimated Net Effect on			
General Revenue Fund	(\$575,124)	(\$30,920,160)	(\$24,905,658)
	SCS for HS for HCS for HB 3		
	FY 2002	FY 2003	FY2004
	(10 Mo.)		
Estimated Net Effect on			
General Revenue Fund	(\$575,124)	(\$19,486,409	(\$8,777,621
		TO	TO
		UNKNOWN)*	UNKNOWN)*

President Pro Tem Kinder stated that the points of order were not timely.

On motion of Senator Kenney, the Senate recessed for 10 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

On motion of Senator Singleton, **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to repeal section 135.095, RSMo, relating to the Missouri senior Rx program, and to enact in lieu thereof ten new sections relating to the same subject, with an expiration date for certain sections, an emergency clause and penalty provisions.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Wiggins--28
	NAYS--Senators		
Loudon	Rohrbach	Westfall	Yeckel--4
	Absent--Senators		
Scott	Staples--2		
	Absent with leave--Senators--None		

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Wiggins
Yeckel--29			
	NAYS--Senators		
Loudon	Rohrbach	Westfall--3	
	Absent--Senators		
Scott	Staples--2		
	Absent with leave--Senators--None		

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 4, 1, 5** and **6**, entitled:

An Act to repeal sections 135.095, 208.010 and 208.151, RSMo, and to enact in lieu thereof eleven new sections relating to a Missouri senior Rx program, with an emergency clause and penalty provision.

With House Amendments Nos. 1, 2, 3 and 5.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 20, Section 208.559, Lines 3-6, by deleting all of said lines, beginning with the word "**Beginning**" and ending with the word "**sought**" and replacing in lieu thereof the following:

"Beginning with the enrollment period for fiscal year 2003, open enrollment periods for the program shall be held from January 1 to February 28."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 and 6, Page 17, Section 208.556, Lines 31-33, by deleting all of said lines; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 and 6, Page 14, Section 208.553, Line 3, by deleting "**pharmaceutical investment program for seniors**" and inserting in lieu thereof, "**Missouri Senior Rx Program**"; and

Further amend said bill, Page 17, Section 208.556, Line 45 by deleting, "**pharmaceutical investment program for seniors**" and inserting in lieu thereof, "**Missouri Senior Rx Program**"; and

Further amend said bill, Page 19, Section 208.556, Line 112 by deleting the word, "**senior**" and inserting in lieu thereof, the word, "**seniors**"; and

Further amend said bill, Page 19, Section 208.556, Line 114 by deleting, "**pharmaceutical investment program for seniors**" and inserting in lieu thereof, "**Missouri Senior Rx Program**"; and

Further amend said bill, Page 19, Section 208.556, Line 117 by deleting, "**pharmaceutical insurance program for seniors**" and inserting in lieu thereof, "**Missouri Senior Rx Program**"; and

Further amend said bill, Page 21, Section 208.568, Lines 1-2, by deleting "**Rx Program**", and inserting in lieu thereof, "**Rx Program Fund**"; and

Further amend said bill, Page 21, Section 208.568, Lines 7-8, by deleting "**pharmaceutical investment program for seniors**" and inserting in lieu thereof, "**Missouri Senior Rx Program**"; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 4, 1, 5 & 6, Page 16, Section 208.556, Line 15, by inserting after the word "**a**", the following: "**responsive, cost-effective**"; and

Further amend said bill, said section, Page 16, Line 15, by inserting after the word "**no**", the following: "**responsive, cost-effective**".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Singleton moved that the Senate refuse to concur in **HCS** for **SCS** for **SBs 4, 1, 5 and 6**, as amended, and request the House to recede from its position and failing to do so grant the Senate a conference thereon, and that the conferees be allowed to exceed the differences, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon and the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SBs 4, 1, 5 and 6**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SCS** for **SBs 4, 1, 5 and 6**, as amended. Representatives: Abel, Barry, Hollingsworth, Naeger and Portwood.

PRIVILEGED MOTIONS

Senator Singleton moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, and grant the House a conference thereon and that the conferees be allowed to exceed the differences, which motion prevailed.

CONFERENCE COMMITTEE

APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SBs 4, 1, 5 and 6**, as amended: Senators Singleton, Steelman, Kenney, Quick and Mathewson.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended: Senators Singleton, Steelman, Kenney, Quick and Mathewson.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended. Representatives: Abel, Barry, Hollingsworth, Naeger and Portwood.

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 42, regarding the One Hundredth Anniversary of the Columbia Daily Tribune, which was adopted.

Senator Dougherty offered Senate Resolution No. 43, regarding Peter Hamilton Raven, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 44, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Logsdon, Sr., Kahoka, which was adopted.

Senator Cauthorn offered Senate Resolution No. 45, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Thomas Luttrull, Lewistown, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bland introduced to the Senate, Mrs. Rosa James, Kansas City.

On motion of Senator Kenney, the Senate adjourned until 9:00 a.m., Friday, September 14, 2001.

SENATE CALENDAR

EIGHTH DAY-FRIDAY, SEPTEMBER 14, 2001

BILLS IN CONFERENCE AND BILLS

CARRYING REQUEST MESSAGES

In Conference

SCS for SBs 4, 1, 5 & 6-

Singleton, et al, with

HCS, as amended

HS for HCS for HB 3-Abel,

with SS for SCS, as

amended (Singleton)

Journal of the Senate

FIRST REGULAR SESSION

FIRST EXTRA SESSION

EIGHTH DAY--FRIDAY, SEPTEMBER 14, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, we join the people of this nation to pray this day for our country that we may discover strength while we feel vulnerable, obtain peace while feeling distressed and have solidarity amidst our diversity. And we pray especially for our fellow citizens whose lives were lost and whose families mourn that they may know Your grace and mercy. We pray for quick recovery to those injured this past week and the horrors that night brings them. As we pray we are mindful of how You teach us to be a people of peace and love; so help us work to ensure peace and safety among the people of this planet. Help us bring to justice those who would prefer chaos and disruption that Your message of love may be heard louder than theirs of violence and hatred. Open our hearts O Lord to appreciate more fully the gifts of freedom and grace we sometimes take for granted. And help us to love more completely those You have given us - our families and friends. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

	Present--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel--32
	Absent with leave--Senators		
Scott	Staples--2		
	The Lieutenant Governor was present.		

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 46, regarding Mary Kleffner, Westphalia, which was adopted.

Senator Mathewson offered Senate Resolution No. 47, regarding Norman L. Campbell, Edwards, which was adopted.

Senator Dougherty, joined by the entire membership of the Senate, offered the following resolution, which was read:

SENATE RESOLUTION NO. 48

WHEREAS, on September 11, 2001, the United States suffered an unthinkable attack and enormous loss when four passenger planes were hijacked and used as instruments of terror; and

WHEREAS, in the wake of this tragedy the people of Great Britain, the Prime Minister and members of Parliament have demonstrated an outpouring of care, concern, sympathy and prayer; and

WHEREAS, the people of Great Britain have honored our country and our loss with moments of silence and cessation of the business of every day life to show solidarity with their brothers and sisters in the United States; and

WHEREAS, Great Britain has also suffered the loss of an unknown number of its own citizens as a result of this atrocity; and

WHEREAS, the Houses of Parliament have addressed this enormous tragedy by meeting in a rare special session to pledge their support and discuss Britain's response to this attack on human life; and

WHEREAS, the people of Great Britain have raised our Stars and Stripes and the music of our national anthem throughout the land to encourage our spirit of survival and hope:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, First Extra Session, gratefully acknowledge the outpouring of support from our friends in Great Britain; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Prime Minister Tony Blair and members of Great Britain's Parliament.

Senator Dougherty requested that the rules be suspended for the purpose of taking up **SR 48** for adoption, which request was granted.

On motion of Senator Dougherty, **SR 48** was adopted.

Senator Steelman, joined by the entire membership of the Senate, offered the following resolution, which was read:

SENATE RESOLUTION NO. 49

WHEREAS, the Flag of the United States of America is a unique symbol of our liberty, freedom and national unity; and

WHEREAS, on September 11, 2001, terrorists hijacked and destroyed four commercial aircraft, crashing two of them in to the World Trade Center in New York City, and crashing another aircraft into the Pentagon outside Washington, D.C.; and

WHEREAS, thousands of innocent people were killed and injured as a result of those attacks, including the passengers and crew of the four aircraft, workers and visitors in the World Trade Center and the Pentagon, rescue workers and bystanders:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, First Extraordinary Session, join with the United States Congress in response to the terrorist attacks on the United States on September 11, 2001, and hereby urge encourage the citizens of Missouri to join with all United States citizens to defend and honor the nation and its symbols of strength, and for a period of 30 days after the date on which this resolution is agreed to, display the flag of the United States at homes, places of work and business, public buildings, and places of worship to remember those individuals who have been lost and to show the solidarity, resolve and strength of the state and nation; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

Senator Steelman requested that the rules be suspended for the purpose of taking up **SR 49** for adoption, which request was granted.

On motion of Senator Steelman, **SR 49** was adopted.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Yvonne Hunter, as a member of the Board of Election Commissioners for St. Louis City;

Also,

Audrey R. Jones, as Chairperson and member of the Board of Election Commissioners for St. Louis City;

Also,

Maxine I. Lipeles, as a member of the Hazardous Waste Management Commission;

Also,

Pamela S. Wright, as Secretary and member of the Board of Election Commissioners for St. Louis County;

Also,

Lynda L. Lieberman, as a member of the Missouri State Board of Accountancy;

Also,

Stephen C. Bradford, as a member of the Conservation Commission;

Also,

Larry T. Sachse, as a member of the St. Charles County Convention and Sports Facilities Authority;

Also,

Gary Maienschein, as a member of the Advisory Committee on Lead Poisoning;

Also,

Diana M. Bourisaw, Ph.D., as a member of the Coordinating Board for Higher Education;

Also,

Brian Munzlinger, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Rollie Stadlman, as a member of the Board of Regents for Northwest Missouri State University;

Also,

Robert L. Abernathy, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Cheryl Lynn Bisbee, as a member of the Board of Election Commissioners for Kansas City;

Also,

Eddie F. Brown, as a member of the Unmarked Human Burial Consultation Committee;

Also,

Theodore J. Cicero, Ph.D., as a member of the Missouri Seed Capital Investment Board;

Also,

Joanne Collins, as a member of the Air Conservation Commission;

Also,

Barbara A. Enneking, as a member of the Board of Election Commissioners for St. Louis County;

Also,

William L. Farr, as Missouri State Fire Marshal;

Also,

W. Dudley McCarter, as a member of the Children's Trust Fund Board;

Also,

Joyce Shaul, as a member of the Missouri Head Injury Advisory Council;

Also,

Wayman F. Smith III, as a member of the Harris-Stowe State College Board of Regents;

Also,

Kirby VanAusdall, as a member of the State Soil and Water Districts Commission;

Also,

Tammy L. Brown, as a member of the Board of Election Commissioners for Jackson County;

Also,

Emma Lou Brent, as a member of the Missouri Higher Education Loan Authority;

Also,

Robert Louis Meyer, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Anne Carole Ream, O.D., as a member of the University of Missouri Board of Curators;

Also,

Adam B. Fischer, as a member of the Coordinating Board for Higher Education;

Also,

Jay M. Wilson, as the student representative of the Board of Governors for Central Missouri State University;

Also,

Donald W. McNutt, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Thomas E. Atkins, as a member of the University of Missouri Board of Curators;

Also,

Rosa James, as a member of the Board of Election Commissioners for Kansas City;

Also,

William J. Baker, as Chairman of the Board of Election Commissioners for Jackson County;

Also,

Linda M. Locke, as a member of the Board of Election Commissioners for St. Louis County;

Also,

Cynthia Metcalfe, as a member of the Conservation Commission;

Also,

Gale Hackman, as a member of the State Milk Board;

Also,

Harry K. Kujath, as a member of the Missouri Community Service Commission;

Also,

John T. Howard, as a member of the Board of Geologist Registration;

Also,

Timothy J. Klotz, as a member of the Advisory Committee on Lead Poisoning;

Also,

F. Leland McClure, III, Ph.D., as a member of the Advisory Committee on Lead Poisoning;

Also,

Zoretta Schoonover, as a member of the Dam and Reservoir Safety Council;

Also,

William "Bill" A. Stuart, Sr., as a member of the State Board of Embalmers and Funeral Directors;

Also,

Diedra C. Thompson, as a member of the Organ Donation Advisory Committee;

Also,

Richard W. Sullivan, as Chairman and member of the Board of Election Commissioners for St. Louis County;

Also,

John C. Tlappek, as a member of the Board of Regents for Southeast Missouri State University;

Also,

Thomas M. Macdonnell, M.D., as a member of the State Board of Health.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Kinder moved that the Governor's withdrawals, appearing on pages 81-94, of the Senate Journal for Wednesday, September 12, 2001 be returned to the Governor pursuant to his request, which motion prevailed.

RESOLUTIONS

Senator Kinder, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 50

WHEREAS, the United States has suffered an enormous loss on September 11, 2001, when four passenger planes were hijacked by terrorists and caused catastrophic loss of human life by destroying the World Trade Center and damaging the Pentagon; and

WHEREAS, in the wake of this tragedy the people of the great State of Missouri answered the call to serve by volunteering locally and nationally and have joined the legions of volunteers from across this country freely sacrificing their time and energy to assist their colleagues as they willingly risk their own lives for those in need; and

WHEREAS, the people of Missouri have honored our country and our loss by volunteering to serve in the massive efforts to help our brothers and sisters in New York and Washington, D.C. by volunteering to be part of search and rescue teams, medical personnel, and blood donors; and

WHEREAS, these volunteers have worked tirelessly in challenging conditions with heavy hearts while being away from their families and loved ones in this stressful time; and

WHEREAS, the people of this great state have volunteered locally by giving blood and donating money and relief items for use in this national tragedy and by encouraging those volunteers who have gone to the emergency sites through their outpourings of support and prayer:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, First Regular Session, First Extra Session, gratefully acknowledge the outpouring of support from the people in this great State who have volunteered in this hour of need to help our fellow Americans; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor.

On motion of Senator Kenney, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

RESOLUTIONS

Senators Wiggins, DePasco and Kenney offered Senate Resolution No. 51, regarding Coach Al Davis, Jr., Kansas City, which was adopted.

Senator Schneider offered Senate Resolution No. 52, regarding Chief of Police, Colonel David L. Erker, Bellefontaine Neighbors, which was adopted.

Senator Quick offered Senate Resolution No. 53, regarding the Healing Ceremony of the Land at Frank Vaydik Park on Line Creek, Kansas City, which was adopted.

Senators Quick and Jacob offered Senate Resolution No. 54, regarding the Missouri Task Force One, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

September 14, 2001

The Honorable Peter D. Kinder

President Pro Tem

Missouri Senate

State Capitol Building

Jefferson City, MO 65101

Dear Mr. President Pro Tem,

I am enclosing a Special Message to all the members of the General Assembly. Please enter the contents of the enclosed message into the journal for this day.

Respectfully submitted,

BOB HOLDEN

Governor

SPECIAL MESSAGE

WHEREAS, by my Proclamation dated August 24, 2001, I convened the Ninety-First General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

WHEREAS, some clarification of the scope of numeral 1 of the Proclamation dated August 24, 2001, may be helpful to the General Assembly.

NOW THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do hereby clarify the matters specifically designated in my August 24, 2001, Proclamation for consideration by the General Assembly by stating the following:

Numeral 1 of the Proclamation dated August 24, 2001, which refers to "expanding Medicaid eligibility for seniors," is meant to guarantee that Medicaid eligibility is expanded to the benefit of seniors, but is not meant to preclude expanding Medicaid eligibility more generally if the General Assembly determines that such expansion is appropriate.

IN WITNESS WHEREOF, I have hereunto

set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 14th day of (SEAL) September, 2001.

/s/ Bob Holden

GOVERNOR

ATTEST:

/s/ Matt Blunt

PRIVILEGED MOTIONS

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SS** for **SCS** for **SBs 4, 1, 5 and 6**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 4, 1, 5 and 6

The Conference Committee appointed on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 & 6 with House Amendments Nos. 1, 2, 3 and 5 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 & 6, as amended;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 & 6;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 4, 1, 5 & 6, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Marvin Singleton /s/ Mark Abel

/s/ Sarah H. Steelman /s/ Joan Barry

/s/ Bill Kenney /s/ Kate Hollingsworth

/s/ Ed Quick /s/ Patrick Naeger

/s/ Jim Mathewson /s/ Dr. Charles R. Portwood

Senator Singleton moved that the above conference committee report be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Schneider	Sims
Singleton	Steelman	Wiggins	Yeckel--28
	NAYS--Senators		
Rohrbach	Westfall--2		
	Absent--Senator Johnson--1		
	Absent with leave--Senators		
Scott	Staples	Stoll--3	

On motion of Senator Singleton, **CCS** for **HCS** for **SCS** for **SBs 4, 1, 5 and 6**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILLS NOS. 4, 1, 5 and 6

An Act to repeal sections 135.095 and 208.151, RSMo, relating to the Missouri Senior Rx program, and to enact in lieu thereof ten new sections relating to the same subject, with a reauthorization date, penalty provisions, and an emergency clause.

Was read the 3rd time and passed by the following vote:

	YEAS--Senators		
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Sims	Singleton	Steelman	Wiggins
Yeckel--29			
	NAYS--Senators		
Rohrbach	Westfall--2		
	Absent--Senators--None		
	Absent with leave--Senators		
Scott	Staples	Stoll--3	

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Sims	Singleton	Steelman	Wiggins
Yeckel--29			

NAYS--Senator Westfall--1

Absent--Senator Rohrbach--1

Absent with leave--Senators

Scott	Staples	Stoll--3
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On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 3**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Singleton, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 3**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 3

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3 with Senate Substitute Amendment No. 1 for Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 5, and Senate Substitute Amendment No. 1 for Senate Amendment No. 7, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute

for House Committee Substitute for House Bill No. 3, as amended;

2. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 3;

3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 3, be Third Read and Finally Passed.

FOR THE HOUSE: FOR THE SENATE:

/s/ Mark Abel /s/ Marvin Singleton

/s/ Joan Barry /s/ Sarah H. Steelman

/s/ Kate Hollingsworth /s/ Bill Kenney

/s/ Patrick A. Naeger /s/ Ed Quick

/s/ Dr. Charles R. Portwood /s/ Jim Mathewson

Senator Singleton moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS--Senators			
Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Sims	Singleton	Steelman	Wiggins
Yeckel--29			
NAYS--Senators			
Rohrbach	Westfall--2		
Absent--Senators--None			
Absent with leave--Senators			
Scott	Staples	Stoll--3	

Senator Singleton moved that the rules be suspended and **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 3**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3

An Act to repeal sections 135.095 and 208.151, RSMo, relating to the Missouri Senior Rx program, and to enact in lieu thereof ten new sections relating to the same subject, with a reauthorization date, penalty provisions, and an emergency clause.

Be read the 3rd time and finally passed and the emergency clause adopted in one motion, which motion prevailed by the following vote:

YEAS--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Sims	Singleton	Steelman	Wiggins
Yeckel--29			

NAYS--Senators

Rohrbach Westfall--2

Absent--Senators--None

Absent with leave--Senators

Scott Staples Stoll--3

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SBs 4, 1, 5 and 6**, as amended, and has taken up and passed **CCS** for **HCS** for **SCS** for **SBs 4, 1, 5 and 6**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 3, 8 and 9**, entitled:

An Act relating to individual income tax treatment of federal credit or advance refund of federal credit allowed to individual taxpayers under section 6428 of the Internal Revenue Code for tax year 2001, with an emergency clause.

Emergency clause adopted.

In which the crespectfully requested.

PRIVILEGED MOTIONS

Senator Gibbons moved that **SCS** for **SBs 3, 8 and 9**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 3, 8 and 9**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 3, 8 and 9

An Act relating to individual income tax treatment of federal credit or advance refund of federal credit allowed to individual taxpayers under section 6428 of the Internal Revenue Code for tax year 2001, with an emergency clause.

Was taken up.

Senator Gibbons moved that **HS** for **HCS** for **SCS** for **SBs 3, 8 and 9** be adopted, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Wiggins
Yeckel--25			
	NAYS--Senators		
Dougherty	Jacob	Schneider	Westfall--4
	Absent--Senators		
Bland	Goode--2		
	Absent with leave--Senators		
Scott	Staples	Stoll--3	

Senator Gibbons moved that the rules be suspended and **HS** for **HCS** for **SCS** for **SBs 3, 8 and 9** be read the 3rd time and finally passed and the emergency clause adopted in one motion, which motion prevailed by the following vote:

	YEAS--Senators		
Bentley	Carter	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Steelman	Wiggins
Yeckel--25			
	NAYS--Senators		
Dougherty	Jacob	Westfall--3	
	Absent--Senators		
Bland	Goode	Schneider--3	
	Absent with leave--Senators		
Scott	Staples	Stoll--3	

The President declared the bill passed.

On motion of Senator Gibbons, title to the bill was agreed to.

Senator Gibbons moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HBs 5, 1 and 2** and has taken up and passed **SCS** for **HS** for **HCS** for **HBs 5, 1 and 2**.

Emergency clause adopted.

On motion of Senator Kenney, the Senate recessed for 15 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **HS** for **HCS** for **SCS** for **SBs 3, 8 and 9** and **CCS** for **HCS** for **SCS** for **SBs 4, 1, 5 and 6**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HS** for **HCS** for **SCS** for **SBs 3, 8 and 9** and **CCS** for **HCS** for **SCS** for **SBs 4, 1, 5 and 6**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HB 4** and has taken up and passed **SCS** for **HS** for **HCS** for **HB 4**.

Emergency clause adopted.

On motion of Senator Kenney, the Senate recessed for 5 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HS** for **HCS** for **HBs 5, 1**

and **2**; **SCS** for **HS** for **HCS** for **HB 4**; and **CCS** for **SS** for **SCS** for **HS** for **HCS**

for **HB 3**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

CCS for **HCS** for **SCS** for **SBs 4, 1, 5** and **6** and **HS** for **HCS** for **SCS** for **SBs 3, 8** and **9**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

On motion of Senator Kenney, the Senate adjourned sine die.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of the Senate

Journal of the Senate
NINETY-FIRST GENERAL ASSEMBLY
OF THE
STATE OF MISSOURI
FIRST REGULAR SESSION

VETO SESSION

FIRST DAY--WEDNESDAY, SEPTEMBER 12, 2001

The Senate was called to order in Veto Session by Lieutenant Governor Joe Maxwell.

The Reverend Carl Gauck offered the following prayer:

"Therefore the wicked shall not stand upright when judgment comes, nor the sinner in the council of the righteous. For the Lord knows the way of the righteous, but the way of the wicked is doomed. (Psalm 1:5-6)

Heavenly Father, constitutionally we are here to deal with what is required of us. But we are still in shock and feeling anger at the attack on our country and have empathy for the victims and their families of this outrage. We pray for those injured that You will provide healing and be a present comfort to those who grieve. We pray that Your spirit will be with us and guide us to deal with those who have killed and hurt our people. Help us to bring reason and peace among our leaders and may Your just judgment be brought about. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

The following Senators were present during the day's proceedings:

Present--Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel--33			

Absent with leave--Senator Rohrbach--1

The Lieutenant Governor was present.

COMMUNICATIONS FROM THE GOVERNOR

The following communications, regarding vetoed Senate bills, were received by the Secretary of State, reading of which was waived:

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Bill No. 207, entitled:

"AN ACT"

To repeal section 334.128, RSMo 2000, relating to the state board of registration for the healing arts, and to enact in lieu thereof one new section relating to the same subject.

I disapprove of Senate Bill No. 207. My reasons for disapproval are as follows:

Language in this bill conflicts with language in House Bill No. 78, hereinafter referred to as HB 78, which was also approved by the General Assembly during the 2001 session and which was signed into law on July 10, 2001. Both bills aim to protect Missouri health care consumers from impaired practitioners by allowing physicians' health programs to provide information about such practitioners to the Board of Healing Arts without threat of civil action. This bill, however, unnecessarily limits the offered protection by restricting the civil immunity to those physicians' health programs that are "operated in this state and approved by the board." Missouri citizens should receive the benefit of the broader language contained in HB 78, which would allow more physicians' health programs to assist the Board of Healing Arts.

For all of the above stated reasons for disapproval, I am returning Senate Bill No. 207 without my approval.

Respectfully submitted,

/s/ BOB HOLDEN

Bob Holden

Also,

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 270, entitled:

"AN ACT"

To amend chapter 536, RSMo, by adding thereto one new section relating to administrative law judges, with an effective date.

I disapprove of Senate Committee Substitute for Senate Bill No. 270. My reasons for disapproval are as follows:

The provisions of this bill conflict with existing statutory law that the bill does not repeal. Specifically, this bill requires chief administrative law judges to establish and implement standards and specialized training programs for administrative law judges, although section 287.610(7), RSMo 2000, requires the Division of Workers' Compensation of the Department of Labor and Industrial Relations to establish such training. Furthermore, this bill allows administrative law judges to elect one of their own number to be chief administrative law judge, although section 287.615, RSMo

2000, provides that the Division of Workers' Compensation of the Department of Labor and Industrial Relations is responsible for appointing such administrative law judges.

I disapprove of the bill for two additional reasons. It is inappropriate to remove the selection of chief administrative law judges from the purview of the Governor, as such power has historically been exercised by the chief executive of the state. Mandating that administrative law judges establish their own training standards, furthermore, decreases the accountability that Missouri citizens expect from trusted judicial positions.

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 270 without my approval.

Respectfully submitted,

/s/ BOB HOLDEN

Bob Holden

Also,

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 341, entitled:

"AN ACT"

To repeal sections 57.010, 590.100, 590.130, 590.170, and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

I disapprove of Senate Committee Substitute for Senate Bill No. 341. My reasons for disapproval are as follows:

The language of this bill conflicts with language contained in Conference Committee Substitute for Senate Committee Substitute for House Bill No. 80, hereinafter referred to as HB 80, which was also approved by the General Assembly during the 2001 session and signed into law on July 2, 2001. For instance, section 590.130 of this bill would require elected county police officers to be certified by January 1, 2002, whereas section 57.010 of HB 80 would give such officers until January 1, 2003, to be certified.

Both bills are meant to revise statutes that relate to the training of police officers. This administration supports such legislation, knowing that it sets the foundation for professional conduct, employment standards, and quality training for peace officers that will serve Missouri citizens well for years to come. In light of the fact that I have already given my approval to the more comprehensive language contained in HB 80, it is not necessary to confuse the law in this area by also signing this bill into law.

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 341 without my approval.

Respectfully submitted,

/s/ BOB HOLDEN

Bob Holden

Also,

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 387, entitled:

"AN ACT"

To amend chapter 393, RSMo, by adding thereto two new sections relating to allowing certain electrical corporations to recover certain costs, with an emergency clause.

I disapprove of Senate Committee Substitute for Senate Bill No. 387. My reasons for disapproval are as follows:

This bill allows eligible electrical corporations to recover all reasonably and prudently incurred costs of natural gas associated with the production of electricity and at least some of the costs associated with the acquisition of electricity as an alternative to producing energy. In effect, because these corporations can recover the costs of buying electricity, which are in turn affected by the cost of natural gas, the corporations are empowered to increase their rates on the basis of a single factor, the cost of natural gas.

Creating a new process that allows for rate-making based on a single factor is unnecessary. The Public Service Commission has the statutory authority to grant justifiable rate increases, and may even do so on an emergency basis via interim rate relief proceedings. Such existing processes are adequate to ensure that factors that relate to rate changes are considered in a timely fashion. At the same time, these processes take into account all relevant factors so that there are no rate increases based on a single expense when other factors offset that expense.

Creating the new process envisioned by this bill is also bad policy. My administration has taken direct action with respect to the various energy issues that our state is facing and will face in the near and distant future. In addition to appointing the Missouri Energy Policy Task Force in February of 2001, I charged Attorney General Jay Nixon with the responsibility of investigating the sharp increase in home heating prices that plagued Missouri citizens during the past winter. One conclusion of the investigations engendered by this action is that purchase gas adjustment-type mechanisms expose Missouri consumers to the volatility of the natural gas market. As the March 1, 2001, report of the Missouri Energy Policy Task Force stated, last winter's "sudden rise in the price of natural gas...was caused by...the manner in which current regulatory practices in Missouri pass through gas costs to consumers." Another conclusion is that utilities that are able to pass the cost of natural gas on to consumers easily will have little incentive to utilize more cost-effective methods for creating energy. Senate Committee Substitute for Senate Bill No. 387 creates new provisions of law that conflict with these conclusions, and for that reason I must, in good conscience, veto it.

For all of the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 387 without my approval.

Respectfully submitted,

/s/ BOB HOLDEN

Bob Holden

Also,

July 11, 2001

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Revision Senate Bill No. 606, entitled:

"AN ACT"

To repeal sections 72.424, 141.265, 142.027, 208.453, 208.455, 208.457, 208.459, 208.461, 208.463, 208.465, 208.467, 208.469, 208.471, 208.473, 208.475, 208.479, 208.480, 313.353, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-508, 417.018, 620.1310, 640.169, 640.170, 640.172, 640.175, 640.177, 640.179, 640.180, 640.182, 640.185, 640.195, 640.200, 640.203, 640.205, 640.207, 640.210, 640.212, 640.215, and 640.218, RSMo 2000, and section 217.440 as enacted by senate committee substitute for senate bill no. 430 of the eighty-ninth general assembly, first regular session, for the purpose of repealing expired provisions of law and sections made obsolete by expired provisions of law, with an effective date.

I disapprove of Revision Senate Bill No. 606. My reasons for disapproval are as follows:

This bill attempts to repeal sections of Missouri law, specifically sections 208.453 to 208.480, RSMo 2000, that relate to the Federal Reimbursement Allowance. It was expected that these sections would sunset on September 30, 2001. The sunset provision applicable to those sections was extended, however, by House Bill No. 955, hereinafter HB 955, which was passed by the General Assembly during the 2001 legislative session and signed into law on June 22, 2001. Senate Bill No. 606, therefore, would repeal laws that are not obsolete if it was signed into law.

The Federal Reimbursement Allowance is an integral component of our state's Medicaid program. The repeal of sections 208.453 to 208.480, RSMo 2000, would jeopardize substantial state revenues that, in turn, draw down federal money used to compensate Medicaid providers. This funding, which helps ensure adequate medical coverage for low-income Missouri citizens, can not be lost.

For all of the above stated reasons for disapproval, I am returning Revision Senate Bill No. 606 without my approval.

Respectfully submitted,

/s/ BOB HOLDEN

Bob Holden

RESOLUTIONS

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1

BE IT RESOLVED by the Senate that the Secretary of the Senate inform the House of Representatives that the Senate is duly convened and is now in session as provided by Section 32, Article III of the Constitution and is ready for the consideration of its business.

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 2

BE IT RESOLVED by the Senate that the rules of the Senate, as adopted by the Ninety-first General Assembly, First Regular Session, be declared to be the rules of the Veto Session of the Ninety-first General Assembly.

Senator Kenney moved that the Senate proceed to the order of business, vetoed bills, and that the calendar be called, which motion prevailed.

SB 207 was called thereafter and no action was taken thereon.

SCS for **SB 270** was called thereafter and no action was taken thereon.

SCS for **SB 341** was called thereafter and no action was taken thereon.

SCS for **SB 387** was called thereafter and no action was taken thereon.

SRB 606 was called thereafter and no action was taken thereon.

RESOLUTIONS

Senator Kenney offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 3

BE IT RESOLVED by the Senate that the Secretary of Senate inform the House of Representatives that the Senate, having been duly convened as provided by Section 32, Article III of the Constitution, made no motion to override the Governor's vetoes of Senate Bill No. 207; Senate Committee Substitute for Senate Bill No. 270; Senate Committee Substitute for Senate Bill No. 341; Senate Committee Substitute for Senate Bill No. 387 and Senate Revision Bill No. 606 when the bills were so called by the President.

On motion of Senator Kenney, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Kinder.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

adopted **HR 1**.

HOUSE RESOLUTION NO. 1

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-first General Assembly, First Regular Session, inform the Governor and the Senate that the House is duly convened and is now in session in the 2001 Constitutional Veto Session and ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HR 2**.

HOUSE RESOLUTION NO. 2

BE IT FURTHER RESOLVED by the House of Representatives, that the Chief Clerk of the House inform the Senate that the House, having been duly convened as provided by Section 32, Article III of the Constitution, made no motions to override the Governor's vetoes on **CCS** for **SCS** for **HCS** for **HB 3**, **CCS** for **SCS** for **HCS** for **HB 4**, **CCS** for **SCS** for **HCS** for **HB 5**, **CCS** for **SCS** for **HCS** for **HB 6**, **CCS** for **SCS** for **HCS** for **HB 7**, **CCS** for **SCS** for **HCS** for **HB 8**, **CCS** for **SCS** for **HCS** for **HB 12**, **CCS** for **SCS** for **HB 16**, **SS** for **SCS** for **HB 185**, **HB 725** and **HB 909** when the bills were called by the Speaker.

INTRODUCTION OF GUESTS

Senator Kinder introduced to the Senate, Gary Rust, Cape Girardeau.

On motion of Senator Kenney, the Senate adjourned sine die pursuant to the Constitution.

JOE MAXWELL

Lieutenant Governor

TERRY L. SPIELER

Secretary of Senate